



United States Department of the Interior

FISH AND WILDLIFE SERVICE

5275 Leesburg Pike, MS: IRTM
Falls Church, VA 22041



IN REPLY REFER TO:
FWS-2017-00941

July 9, 2019

Via email: foia@americanoversight.org

Austin Evers, Executive Director
American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

Dear Mr. Evers:

The United States Fish and Wildlife Service Headquarters Freedom of Information Act (FOIA) Office received your FOIA request dated June 22, 2017, and assigned it control number FWS-2017-00941. Please cite this number in any future communications with our office regarding your request.

You requested the following:

"1. All communications between any of the following DOI officials—(a) all political appointees and any SES staff in the Office of the Secretary; (b) all political appointees and SES staff in the U.S. Fish and Wildlife Service; (c) the Acting Assistant Secretary for Water and Science; (d) all political appointees in the Bureau of Land Management; and (e) all political appointees in the Bureau of Safety and Environmental Enforcement—and any of the following entities:

a. The following agricultural or trade groups with an interest in pesticides (or anyone acting on their behalf):

- i. CropLife;*
- ii. American Farm Bureau;*
- iii. American Soybean Association;*
- iv. American Sugarbeet Growers Association;*
- v. National Corn Growers Association;*
- vi. Oklahoma Farm Bureau;*
- vii. National Cotton Council;*
- viii. California Cotton Ginners and Growers Association;*
- ix. California Citrus Quality Council;*
- x. California Farm Bureau Federation;*
- xi. California Fresh Fruit Association;*
- xii. Florida Fruit and Vegetable Association;*
- xiii. Almond Alliance; or*

xiv. *Western Growers.*

b. *The following pesticide manufacturers (or anyone acting on their behalf):*

- i. *Dow Chemical;*
- ii. *Dow AgroSciences;*
- iii. *Makhteshim Agan of North America (aka “ADAMA”); or*
- iv. *FMC Corporation.*

c. *Any member of Congress or anyone acting on behalf of a member of Congress (including both personal and committee staff) regarding agricultural issues or pesticides.*

d. *The following think tanks (or anyone acting on their behalf), to the extent such communications relate to agricultural issues or pesticides:*

- i. *Heritage Foundation;*
- ii. *Heritage Action;*
- iii. *Cato Institute; or*
- iv. *Chamber of Commerce.*

Please provide all responsive records from January 20, 2017, to the date the search is conducted. Please note that we do not wish to obtain copies of any news or press clippings regarding these issues that are otherwise publicly available; accordingly, you may omit press clippings from the documents provided in response to this request, unless the record includes commentary on the press coverage.”

Response

We are writing with a final response to your request. Enclosed are three binders pertaining to parts A, C and D of your request (we did not find any responsive records to part B of your request) containing a total of six-hundred and eighteen (618) pages, which are released in part as described below:

Exemption 6 [5 U.S.C. § 552\(b\)\(6\)](#)

Thirteen (13) pages are released but withheld in part under Exemption 6, which allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” [5 U.S.C. § 552\(b\)\(6\)](#).

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to

establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure - the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Connie Rose, FWS FOIA Coordinator, is responsible for this partial denial. Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

Appeal Rights

You may appeal this partial response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the FWS's response is in error. You must also include with your appeal copies of all correspondence between you and the FWS concerning your FOIA request, including your original FOIA request and the FWS's response. Failure to include with your appeal all correspondence between you and the FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines, in the FOIA/Privacy Act Appeals Officer's sole discretion, that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office

Telephone: 202-208-5339
Fax: 202-208-6677
Email: FOIA.Appeals@sol.doi.gov

For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at [43 C.F.R. Part 2, Subpart H.](#)

Mediation Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

You also may seek dispute resolution services from our FOIA Public Liaison, Cathy Willis at (720) 425-5173.

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

This letter completes our response to your request. If you have any questions, you may contact me by phone at (703) 358-2470 or by email at connie_rose@fws.gov.

Sincerely,


Date:
2019.07.09
15:13:55
-05'00'
Connie Rose
FWS FOIA Coordinator

Enclosures

From: [Rachel Lattimore](#)
To: [exsec@ios.doi.gov](#); [WLRoss@doc.gov](#); [Pruitt.scott@epa.gov](#); [Sonny.Purdue@osec.usda.gov](#)
Cc: Raymond A. Starling -- Exemption 6 [.gov](#); Michael J. Hickey -- Exemption 6 [.gov](#); Christopher D. Prandoni -- Exemption 6 [.gov](#); [Exemption 6 .gov](#); [Exemption 6 .gov](#)
Subject: [EXTERNAL] January 31, 2018 Memorandum of Agreement Implementation
Date: Tuesday, April 10, 2018 2:51:11 PM
Attachments: [ESA FIFRA MOA Letter 041018.pdf](#)

Secretary Zinke, Secretary Ross, Secretary Purdue and Administrator Pruitt:

Please see the attached letter.

Sincerely,

Rachel G. Lattimore
Senior Vice President, General Counsel, Secretary
CropLife America
1156 15th Street, NW
Suite 400
Washington, DC 20005
(202) 872-3895 – direct
(202) 296-1585 – main
r.lattimore@croplifeamerica.org
www.croplifeamerica.org

April 10, 2018

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240
exsec@ios.doi.gov

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Pruitt.scott@Epa.gov

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
WLRoss@doc.gov

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave S.W.
Washington, D.C. 20250
Sonny.Purdue@osec.usda.gov

Via Electronic Mail

Re: January 31, 2018 Memorandum of Agreement Implementation

Secretaries Perdue, Ross and Zinke and Administrator Pruitt:

We write to present a unified voice on the opportunity to address one of the most challenging issues facing the intersection of federal pesticide regulation and endangered species conservation: the need for an efficient regulatory process for aligning federal pesticide registration decisions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) with the requirements of the Endangered Species Act (ESA). We believe these thoughts are both specific and timely as you implement the January 31, 2018 Memorandum of Agreement on Establishment of an Interagency Working Group to Coordinate Endangered Species Act Consultations for Pesticide Registrations and Registration Review (MOA), which we support. For too long, this issue has been marked by divisiveness and conflict as to possible product effects on endangered species and regulatory uncertainty for pesticide manufacturers, farmers, and other users. Your agencies can redouble their efforts from the last four years to move past these conflicts by prioritizing a series of administrative improvements to how pesticides are evaluated. The recent MOA can further this goal considerably.

As a group of diverse stakeholders who care deeply about harmonizing endangered species conservation with agriculture and pest control, we believe that your agencies can and should make further administrative improvements, consistent with the collaborative approaches they have announced, and with their engagement with stakeholders during recent years. There are numerous ways to improve the process of assessing potential impacts to endangered species associated with pesticide registrations. The recommendations here are ones that we mutually support, that we believe are feasible to implement, and that can meaningfully improve the

process. And in pursuing these recommendations, we urge you to engage stakeholders in an open and transparent manner, as contemplated by the MOA.

1. Develop interagency processes on pesticide consultations that enable the EPA, Services, and USDA to make the best use of each agency's expertise and limited resources

The expertise needed to complete robust pesticide consultations already exists within the agencies and should be leveraged to its fullest extent. The U.S. Environmental Protection Agency (EPA) has expertise in ecological risk assessments for pesticides, including risk assessment methods needed to evaluate the potential risks of pesticides to non-target wildlife, such as exposure modeling and probabilistic tools, and requires significant amounts of data for pesticide registrations. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services) have substantial expertise on threatened and endangered species, including species biology, distribution, threats, and recovery needs. And the U.S. Department of Agriculture (USDA) has expertise on how pesticides are used in agriculture, including the timing and location of pesticide applications. This use information can be shared with other agencies in ways that do not compromise landowner privacy or specific species locations.

To make better use of limited agency resources, EPA should play a larger role in assessing the potential effects of pesticides on endangered species, including at the population and species levels. For the EPA to play such a role, and other agencies to leverage their existing data and resources, your agencies should start by assessing the effectiveness of existing interagency agreements and guidance on how to complete pesticide consultations. This effort should help ensure that all four agencies have a common understanding of their own responsibilities, the key scientific and policy assumptions that underlie an ESA pesticide consultation, including risk-assessment endpoints, and the data and analyses needed to achieve those endpoints. This assessment would also provide stakeholders with the transparency and accountability that should allow them to support this proposed approach.

New guidance could identify clearer roles for each agency based on expertise and available and reliable data. For example, USDA could be relied on for the cropping and pesticide use data it already collects; EPA for quantitative risk assessment tools and uncertainty analysis; and the Services for defining species ranges and evaluating effects at the species level. At the same time, guidance could also identify ways for the agencies to continue improving collaboration so that one agency is not “handing off” its analysis to another agency, but rather coordinating with that agency throughout the consultation process. An improved approach could also allow stakeholders to provide more information and data during the process, similar to how other endangered species reviews under the ESA are completed.

Your agencies can build additional guidance today and implement it as a living document that can be updated easily to reflect improved methods your agencies develop in the future. If successful, the guidance will help ensure that capable agency scientists—whether sitting at the

EPA or the Services—can share and implement a common understanding of how to perform pesticide consultations, facilitating their collaboration.

2. Use more refined species location maps and better pesticide use data

By using more refined data on where species are likely to occur, the EPA and the Services can improve the occurrence maps of many species compared to some of the maps the Services currently use, many of which are county-level. Refined range maps, which could be produced using species distribution models and other robust scientific approaches, would more accurately depict the true distribution of species and may result in fewer overlaps with areas affected by pesticide use, allowing for a better understanding of potential exposure to those species. This should expedite endangered species review for pesticides, improving the EPA's and the Services' ability to meet statutory timeframes under FIFRA and the ESA.

By further involving pesticide registrants and the public, and considering available data, your agencies can make use of more realistic information on when and how pesticides are applied, thus enabling a more refined assessment. This information, when combined with refined species range maps, may enable the EPA and the Services to identify more instances where pesticide use does not overlap with species habitat. We see promising opportunities to work with USDA, state agencies, species expert organizations, growers, and registrants to improve data on pesticide use patterns.

3. Adopt better endangered species exposure assessments

Better exposure assessments can help the Services and EPA make defensible, science-based conclusions that pesticide exposure is low or absent. One approach is to develop and implement an interagency plan to refine hydrological and other exposure models that adopt more accurate assumptions about endangered species exposure to pesticides. We see opportunities to further refine commonly used models to distinguish between realistic and improbable exposure scenarios. More realistic scenarios would help ensure that conservation efforts focus on the species that are most likely to be affected by potential pesticide exposure.

4. Take advantage of avoidance and minimization opportunities to improve the efficiency and effectiveness of pesticide consultations

EPA's registration of pesticides currently includes requirements to avoid and minimize impacts to non-target organisms. To enhance endangered species review, pesticide registrants could choose to voluntarily adopt additional site-specific avoidance and minimization measures for endangered species as part of EPA's registration process or during consultations. Refined species occurrence data are important to these efforts because they may allow pesticide registrants, farmers, and other users to target protective measures to areas where species and their habitats are likely to occur. They may also result in more pesticide consultations being expeditiously resolved. Such an outcome would represent a win for conservation and for

regulated entities: fewer species potentially exposed to pesticides that could pose a risk to them, and quicker and more predictable pesticide registration decisions.

5. Support opportunities to use voluntary conservation in pesticide evaluations

In addition to avoidance and minimization, a pesticide registrant may choose to consider voluntary conservation efforts as an option to expedite, supplement, or simplify endangered species review for a pesticide. This type of conservation effort (similar to a concept known as compensatory mitigation in other contexts and referred to as “mitigation” below) can also conserve species while expediting or simplifying pesticide consultations. This approach has not played a prominent role in pesticide consultations to date. But if registrants choose to pursue this option, effective and timely conservation efforts consistent with mitigation goals could lead to more efficient consultations in some circumstances.

We urge your agencies to devote resources to help interested stakeholders establish voluntary conservation projects and to integrate those projects into pesticide consultations at the request of registrants. Specifically, we encourage the agencies to work with stakeholders to develop a regulatory framework that further incentivizes voluntary conservation to improve or increase habitat for endangered species.

6. Prioritize species-use combinations for formal consultation

We recommend that your agencies consider developing decision systems to help distinguish among situations that pose low, medium, and high likelihood of jeopardy or adverse modification (JAM) in formal consultation. In developing this system, your agencies could consider both species and pesticide use factors. For example, species factors could include abundance, biological status, and prey base. And use factors could include mode of action, route of entry, and areas of use.

Identifying low, medium, and high-risk scenarios will help your agencies apply the most efficient methods to complete JAM analyses. For many scenarios, proxy measures or general principles of conservation biology and ecotoxicology may be adequate to inform the JAM analysis. For other, higher-risk scenarios, more detailed species- and pesticide-specific analyses may be warranted. The goal should be to complete the JAM analysis for low risk scenarios using efficient yet defensible methods, so that agency staff can focus their limited resources on higher risk scenarios that required more detailed, resource-intensive methods.

We believe that these recommendations for managing endangered species review of pesticides will provide for a more efficient approach to species conservation while providing a sound basis for decisionmaking. We also understand that your agencies would need additional resources and funding to implement the recommendations effectively and expeditiously. We ask for a commitment at the highest levels within your agencies to prioritize these improvements to endangered species review of pesticides. With that commitment, we believe an enduring

April 10, 2018

Page 5

solution is possible to the current concerns with the adequacy of endangered species assessments in pesticide consultations.

Sincerely,

CropLife America
Defenders of Wildlife
American Soybean Association
Minor Crop Farmer Alliance
National Association of Corn Growers
National Association of Wheat Growers

cc: Mr. Ray Starling
Special Assistant to the President for Agriculture, Trade and Food Assistance

Raymond A. Starling -- Exemption 6 [.gov](#)

Mr. Michael J. Hickey
Chief, Environment Branch, Office of Management and Budget

Michael J. Hickey -- Exemption 6 [.gov](#)

Mr. Chris Prandoni
Associate Director for Natural Resources, Council on Environmental Quality

Christopher D. Prandoni -- Exemption 6 [.gov](#)

Mr. Greg Sheehan
Principal Deputy Director, U.S. Fish and Wildlife Service
Gregory_sheehan@fws.gov

Mr. Chris Oliver
Assistant Administrator for Fisheries, NOAA Fisheries
Chris.W.Oliver@noaa.gov

Ms. Charlotte Bertrand
Acting Principal Deputy Assistant Administrator, EPA Office of Chemical Safety and Pollution Prevention
Bertrand.Charlotte@epa.gov

Dr. Sheryl Kunickis
Director of Office of Pest Management, U.S. Department of Agriculture
Sheryl.Kunickis@osec.usda.gov

From: [Ryan Yates](#)
To: gregory_sheehan@fws.gov
Subject: Accepted: Invitation: FWS/Nat'l Endangered Species act Reform Coalition (ESARC)... @ Mon Jul 17, 2017 1pm - 1:30pm (EDT) (ryany@fb.org)

From: [Ryan Yates](#)
To: [gregory_sheehan@fws.gov](#)
Subject: Accepted: Updated Invitation: FWS/Nat'l Endangered Species act Reform Coalition (ESARC)... @ Mon Jul 17, 2017 1pm - 2pm (EDT) (ryany@fb.org)

From: [Ryan Yates](#)
To: [Willens, Todd](#)
Cc: [Todd Wynn](#); [Benjamin Cassidy](#); [Margaret Everson](#)
Subject: Re: [EXTERNAL] Wednesday NESARC Meeting
Date: Monday, December 3, 2018 10:26:33 AM

Thanks Todd!

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From: Willens, Todd <todd_willens@ios.doi.gov>
Sent: Monday, December 3, 2018 10:34:07 AM
To: Ryan Yates
Cc: Todd Wynn; Benjamin Cassidy; Margaret Everson
Subject: Re: [EXTERNAL] Wednesday NESARC Meeting

Ryan,

Thank you for checking back in with me. In honor of President Bush (41), President Trump issued an EO designating Wednesday a national day of mourning and federal government closed. Unfortunately for purposes of DOI joining your meeting, the President's order prevents me or my colleagues from participating on Wednesday. Thank you for your understanding and I wish all the best for a successful meeting.

Todd Willens
Associate Deputy Secretary
U.S. Department of the Interior
1849 C Street, NW -- MIB Room 6116
Washington, DC 20240
office: 202-208-6291

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.



On Mon, Dec 3, 2018 at 9:39 AM Ryan Yates <ryany@fb.org> wrote:

Hi Todd – Great seeing you last week. I wanted to check in about the NESARC meeting on Wednesday. We can accommodate DOI folks any time between 9:30 and noon – whatever time works best for you. If you have any logistical questions, feel free to have staff contact Jordan Smith at JAS@vnf.com or (202) 298-1914.

Thanks again,

RYAN R. YATES | *Director of Congressional Relations*
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024

Office 202.406.3664 | Mobile 202.641.1416

From: [Jack Rice](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Accepted: Invitation: Zack Gambill & Jack Rice Re: Monarch Butterfly @ Tue Sep 18, 2018 10am - 11am (PDT) (jrice@cfbf.com)

From: [Ryan Yates](#)
To: [MoritzW@michigan.gov](#)
Cc: [Claire.Beck@dnr.state.oh.us](#); [Bogges, Ed \(DNR\)](#); [gregory_sheehan@fws.gov](#); [Walker, Dave](#); [tom_melius@fws.gov](#); [Skipwith, Aurelia](#)
Subject: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy
Date: Monday, June 4, 2018 3:28:52 PM
Attachments: [MAFWAMonarchPlanComments\(06.04.18\).pdf](#)

All –

Please see the attached comments regarding the proposed Mid-America Monarch Conservation Strategy submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma.

Thank you.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office 202.406.3664 | Mobile 202.641.1416

June 4, 2018

Bill Moritz, Chairman
Board of Directors
Midwest Association of Fish and Wildlife Agencies
Mid-America Monarch Conservation Strategy

Email letter to: moritzw@michigan.gov
Cc: Ed Boggess (ed.boggess@state.mn.us), Claire Beck (Claire.Beck@dnr.state.oh.us)

Dear MAFWA Board of Directors,

These comments are being submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma. Farm Bureau is a non-profit, membership organization directed by farmers who join through their county Farm Bureau. In 1919, farmers and ranchers formed AFBF so they could work together, speak in a unified voice and, as a group, achieve what others alone could not. It is with that same goal in mind, that we all join today to provide comments regarding the draft Mid-America Monarch Conservation Strategy (Strategy). We appreciate the opportunity to provide our perspective.

To begin, in follow up to our exchange of correspondence several months ago, we would like to state that we, like MAFWA, are committed to keeping the lines of communication open between our organizations as we pursue efforts that support monarchs. We appreciate your acknowledgement of the special and important role that private agricultural lands and farmers will play in the conservation of monarch butterflies in years to come. We, likewise, appreciate your commitment to working with agricultural partners on voluntary and incentive-based approaches in this endeavor.

That said, we do have some lingering concerns with the focus, representation, and scale of the Strategy, which we state herein, coupled with opportunity areas for MAFWA to consider.

The Strategy references the primary sectors that are necessary for the effort including private agricultural lands, protected natural lands (public and private), rights-of-way (transportation and energy), urban and developed lands, and other energy infrastructure. The Strategy also states that “participation by all sectors will be needed to accomplish successful monarch conservation.” The Strategy states that it will be an “All Hands on Deck” approach, yet the spirit of the Strategy does not convey equal attention on the part of MAFWA to each sector. The bulk of the narrative and the statements made for future direction appear to focus solely on private agricultural lands.

Despite the Strategy’s attention on private agricultural lands, very little has been done at the regional level to meaningfully engage groups like ours that are comprised solely of private agricultural landowners and farmers. We continue to believe that MAFWA’s Strategy, and its approach into the future, has the best chance of success if it is framed, not as it currently is in the Strategy, but as a framework for each state to continue to engage its stakeholders at the most local of levels. We have seen from experience that that level of activity will allow every sector,

every industry, and every community to have a similar sense of responsibility and opportunity to help the cause. It is our belief that the Strategy would be better suited to articulate the governance that has been established by MAFWA for this effort, discuss the science, and outline state plans.

To help illustrate our point, it is important to note that it is repeated multiple times within the Strategy that, on agricultural landscapes, conservation will be applied in small increments on less productive portions of fields and border areas, many conservation efforts will be small scale (one acre or less) and “effective conservation will require hundreds of thousands of efforts across tens of thousands of land ownerships. Accomplishing the goal within the next 20 years will require a concerted and focused approach working with cooperating landowners and managers on voluntary and incentive-based efforts to restore and enhance private land habitats, as well as increased public land management.” This will only occur with a framework that looks much different from the current MAFWA framework.

As stated in our previous correspondence, many of our state Farm Bureau staff and farmer members are actively involved in state-level planning around monarch conservation. These state planning efforts mostly follow the same approach and bring diverse sector representatives to the table. A major difference between the MAFWA planning effort and those state-level efforts are the involvement of agricultural organizations, such as the Farm Bureau and other commodity and agribusiness groups, the involvement of state Departments of Agriculture, and the involvement of program staff from USDA. When groups like these are involved, it allows an effort to better understand the expertise of farmer priorities and needs, the regulatory world in which farmers operate, and a true understanding of how farm programs work and could work into the future.

Further, the Strategy’s approach of informing policy and program changes to achieve monarch conservation goals is also of concern. While the majority of work will happen on private agricultural lands, the Strategy calls for increased agency and partner resources. That acknowledgement does little to convince the U.S. Fish & Wildlife Service (USFWS) that the conservation goals can be met and a listing should be precluded, which is also a stated goal of the Strategy.

Also importantly, we are concerned that the Strategy focuses largely on recommending changes to Farm Bill programs for the benefit of the monarch butterfly, and does not provide that same level of evaluation or recommendation as to other federal programs, NGO or industry efforts that could also be tweaked to benefit the cause more efficiently or effectively. One area where we are appreciative of MAFWA support is in urging the USDA Farm Service Agency to enter into a Section 7 Consultation and Conference Report with the USFWS to provide predictability to farmers that have enrolled in the Conservation Reserve Program. We too have requested that of our federal agencies.

Again, it is our belief that the Strategy would be better suited to articulate the governance that has been established by MAFWA for this effort, discuss the science, and outline state plans. References to Farm policy and work by a set of conservation partners should be removed and programs that stakeholders are using should be left for inclusion in state plans.

Finally, we believe that proactive conservation by a variety of stakeholders can preclude the need to list the monarch butterfly as a threatened or endangered species under the Endangered Species Act. We continue to work towards that goal by sharing our conservation vision for the monarch in our state plans.

Thank you for the opportunity to comment on the draft Strategy. We appreciate your consideration of these comments and would be available for future discussion on the topic. As a future opportunity area, if it is appropriate, we would be interested in hearing more about the meetings you have planned for Fall 2018 to create action items from this draft plan. Please contact Ryan Yates at AFBF for any questions or more information (ryany@fb.org or 202-406-3664).

Sincerely,

American Farm Bureau Federation

Arizona Farm Bureau Federation

Illinois Farm Bureau

Indiana Farm Bureau

Iowa Farm Bureau Federation

Kentucky Farm Bureau Federation

Maryland Farm Bureau

Missouri Farm Bureau Federation

Oklahoma Farm Bureau

cc:

Greg Sheehan, USFWS

Michael Gale, Special Assistant, USFWS

Dave Walker, USFWS

Tom Melius, USFWS

Aurelia Skipwith, DOI

From: [Jack Rice](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Monarchs
Date: Friday, March 23, 2018 6:49:22 PM

Hello Paul,

I am working on a project related to monarch butterflies and would like to speak with you next week if you have time. I received your contact information from Samantha Marcum, but everyone highlights the great work of the Partners program.

If there is a convenient time for me to call you let me know when that is.

Thanks.

Jack

Jack L Rice
Senior Counsel
California Farm Bureau Federation
2300 River Plaza Drive
Sacramento, CA 95833
Office (916) 561-5667
Cell (916) 804-7423
jrice@cfbf.com

From: [Jack Rice](#)
To: [Souza, Paul](#)
Cc: [Mary Grim](#); [Jody Holzworth](#); [Fris, Michael](#)
Subject: [EXTERNAL] RE: Follow Up
Date: Monday, May 14, 2018 5:41:09 PM

Thank you Paul. I greatly appreciate the discussion and the introduction.

Take care.

Jack

Jack L Rice
California Farm Bureau Federation
jrice@cfbf.com

From: Souza, Paul [mailto:paul_souza@fws.gov]
Sent: Tuesday, May 8, 2018 9:32 AM
To: Jack Rice <jrice@CFBF.com>
Cc: Mary Grim <mary_grim@fws.gov>; Jody Holzworth <jody_holzworth@fws.gov>; Fris, Michael <Michael_Fris@fws.gov>
Subject: Follow Up

Jack,

Was great catching up with you last week.

By way of this email, I'm connecting you with Mary Grim, who has been working on ideas related to a Safe Harbor agreement for small timber landowners. She also has the list of "At-Risk Species," which offers ideas for voluntary, proactive conservation to get ahead of the need of regulation. I encourage you two to connect at your convenience.

Much appreciated . . .

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno/>

From: [Jack Rice](#)
To: [Souza, Paul](#)
Subject: [EXTERNAL] Re: Time to Meet?
Date: Tuesday, April 24, 2018 1:55:25 PM

Hello Paul,

Thank you for reaching out. This Thursday is good. Same for either end of the day Friday. Next week Tuesday after noon, Wednesday before noon. Week of 7th Tuesday anytime or Wednesday after noon

Any of that work for you?

Jack

Sent from my iPhone

On Apr 23, 2018, at 4:37 PM, Souza, Paul <paul_souza@fws.gov> wrote:

Jack,

I'm finally back from DC and wanted to follow up with you. How does your schedule look over the next three weeks?

Best,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno/>

From: [Ryan Yates](#)
To: [Rollins, Blake - OSEC, Washington, DC](#); [Wynn, Todd](#)
Cc: [gregory.sheehan@fws.gov](#); [Brad.Karmen@wdc.usda.gov](#); [jamie.cloveradams@osec.usda.gov](#)
Subject: [EXTERNAL] USDA FSA / DOI FWS Consultation Request Letter
Date: Friday, April 27, 2018 8:54:12 AM
Attachments: [USDA FSA Consultation Request_042718.pdf](#)

Good morning –

Please see the attached request written on behalf of the American Farm Bureau Federation and members of the state Farm Bureaus of Arizona, California, Illinois, Indiana, Iowa, Kansas, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas. Collectively, we request that the USDA Farm Service Agency initiate a Section 7 conference with the U.S. Fish & Wildlife Service under the Endangered Species Act to analyze effects of conservation actions to benefit the monarch butterfly through the Conservation Reserve Program (CRP).

Please share the attached letter to the appropriate officials and staff at USDA and DOI. If you have any questions, please do not hesitate to contact me.

Thank you for your attention to this request.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office 202.406.3664 | Mobile 202.641.1416

April 27, 2018

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

The Honorable Ryan Zinke
Secretary
U.S. Department of Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Perdue and Secretary Zinke:

This correspondence is written on behalf of the American Farm Bureau Federation (AFBF) and the 2,335,513 members of the state Farm Bureaus of Arizona, California, Illinois, Indiana, Iowa, Kansas, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas to request that the USDA Farm Service Agency (FSA) initiate a Section 7 conference with the U.S. Fish & Wildlife Service (USFWS) under the Endangered Species Act to analyze effects of conservation actions to benefit the monarch butterfly through the Conservation Reserve Program (CRP).

In 1919, farmers and ranchers formed AFBF so they could work together, speak in a unified voice and, as a group, achieve what others individually could not. It is with that same goal in mind that we join today to ask the Farm Service Agency to engage in a conference report for CRP to help our members increase their confidence in the long-term conservation activities that they pursue in support of the monarch butterfly. The conference report outcome of the Natural Resources Conservation Service and the Fish and Wildlife Service was generally well-received by our organizations.

Farmers and ranchers across the Midwest and the country have engaged in monumental conservation efforts to protect pollinators in recent years. That includes an influx of acres enrolled in the Conservation Reserve Program in Pollinator Habitat (CP42), SAFE Acres (CP38), and Rare and Declining Habitat (CP25), that can all provide significant benefits to pollinators. 3.2 million acres were converted to create habitat and mitigate risks to all pollinators, including monarchs, and those acres offer beneficial places for monarchs and their caterpillars throughout all of the stages of their life and migration.

As you know, the monarch is currently under review for listing by the US Fish & Wildlife Service under the Endangered Species Act (ESA). Reducing ESA regulatory uncertainty will increase voluntary, private landowner adoption of monarch conservation practices to support recovery of the species.

We request that the FSA utilize the conference procedures available within ESA's Section 7 consultation authorities to evaluate conservation actions for the monarch butterfly through the CRP. The scientific literature indicates that new CRP land, and a significant amount of existing CRP land, can be managed with appropriate practices to significantly increase the amount of monarch habitat in the United States.

Preparation of a Conference Report would provide regulatory predictability under the ESA to those landowners who elect to establish monarch habitat through the CRP should the butterfly be listed in the future. We note that a Conference Report on implementation of monarch conservation practices through programs administered by the USDA's Natural Resources Conservation Service (NRCS) was completed in December 2016. Moreover, as FSA and NRCS are now within the same mission area, coordination among FSA, NRCS and USFWS in development of the requested Conference Report would enhance administrative consistency across USDA private lands conservation programs.

We believe that voluntary conservation through public and private programs can, if adequately resourced, support recovery of monarch populations while precluding a listing under ESA. Ensuring long term ESA predictability within the CRP can result in a significant increase in voluntary conservation efforts that is critical to support recovery of the species.

We look forward to your positive response and a FSA request to USFWS to initiate the section 7 conference process for the monarch butterfly. If you have any questions or require additional information concerning our conservation efforts please do not hesitate to contact Ryan Yates at AFBF (ryany@fb.org or 202-406-3664).

Sincerely,

American Farm Bureau Federation
Arizona Farm Bureau Federation
California Farm Bureau Federation
Illinois Farm Bureau
Indiana Farm Bureau
Iowa Farm Bureau Federation

Kansas Farm Bureau
Nebraska Farm Bureau
New Mexico Farm and Livestock Bureau
Oklahoma Farm Bureau
Tennessee Farm Bureau Federation
Texas Farm Bureau

cc:
Bill Northeby
Under Secretary
Farm and Foreign Agricultural Services
U.S. Department of Agriculture

Brad Karmen
Acting Deputy Administrator
Farm Programs
Farm Service Agency
U.S. Department of Agriculture

Greg Sheehan
Principal Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

From: [Ryan Yates](#)
To: [MoritzW@michigan.gov](#); [ed.boggess@state.mn.us](#); [Claire.Beck@dnr.state.oh.us](#)
Cc: [Aurelia Skipwith](#); [dave_walker@fws.gov](#); [gregory_sheehan@fws.gov](#)
Subject: Farm Bureau MAFWA letter
Date: Monday, October 23, 2017 9:16:11 AM
Attachments: [AFBF and State FB letter to MAFWA FINAL.pdf](#)

Good Morning -

Please see the attached letter written on behalf of the American Farm Bureau Federation and the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Oklahoma, and Texas outlining concerns regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

I look forward to working with you to rectify these important concerns. Thank you.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®
600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office [202.406.3664](#) | Mobile [202.641.1416](#)

October 23, 2017

Midwest Association of Fish and Wildlife Agencies
Mid-America Monarch Conservation Strategy

Bill Moritz
Chairman, MAFWA Monarch Strategy,
and to the Board of Directors

Email letter to: MoritzW@michigan.gov
Cc: Ed Boggess (ed.boggess@state.mn.us), Claire Beck (Claire.Beck@dnr.state.oh.us)

Re: Farm Bureau Concerns regarding the MAFWA Effort to Develop the Mid-America Monarch Conservation Strategy

Dear MAFWA Board of Directors, Claire Beck, and Ed Boggess,

This correspondence is written on behalf of the American Farm Bureau Federation (AFBF) and the 1,803,153 members of the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Oklahoma, and Texas to express our collective concerns regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

In 1919, farmers and ranchers formed AFBF so they could work together, speak in a unified voice and, as a group, achieve what others alone could not. It is with that same goal in mind, that we all join today to communicate to you on the important issue of the monarch butterfly.

Farm Bureau has considerable experience working with the Endangered Species Act (ESA). The potential listing of the monarch butterfly, with its expansive range across our states, has created a unique set of challenges than other species affected by the ESA.

We support robust, state-directed, voluntary and collaborative conservation plans for species as the most effective way to prevent a listing under the ESA. However, we must express our concerns with the process that MAFWA is following to develop the Mid-America Monarch Conservation Strategy (Strategy) and the Strategy as it stands currently. We cannot support this planning effort, which has excluded farmers, ranchers and private landowners. Without improvements to involve farmers and ranchers at all levels of this effort, it may become necessary to withdraw from participation.

MAFWA'S TRANSPARENCY REVEALS A LACK OF COOPERATION WITH FARMERS AND OWNERS OF PRIVATE LANDS

MAFWA has not engaged in any meaningful way with farmers, ranchers and private landowners that will be key to the strategy's success. This is despite the fact that the Strategy contains an agricultural chapter focused on lands managed by farmers. There needs to be better

communication between state MAFWA representatives and their constituent farmer organizations, including state Farm Bureaus. Additionally, participation from state departments of agriculture or the National Association of State Departments of Agriculture would provide valuable technical expertise to the effort.

Questions remain as to how the various committees will interact, who ultimately will make the call about language in the Strategy and how minority opinions and views will be incorporated. There is no available documentation of the process and decision-making currently available, so it is extremely difficult to understand how agricultural representatives and private land owners can fit into this existing structure and participate. How these regional decisions and goals impact state plans is also not understood.

Multiple working groups were formed for the Strategy without clear goals, objectives or a review process in place. The agriculture and private lands working group includes only two representatives from farm organizations, but 18 representatives of conservation groups and federal or state agencies, **many of which are also involved at higher levels of this effort, where agriculture is not.** When we raised concerns about transparency and representation, MAFWA responded with a list of committees and work groups that confirms our concerns.

We understand that time is of the essence to meet the U.S. Fish & Wildlife Service deadlines, but the first step in this process must be to clearly communicate science-based data, habitat goals, and current methodology for determining goals. We are concerned that we are participating in the development of a regional conservation plan and that goals will be determined without agricultural stakeholder input.

Another concern is that agricultural groups will be used in name only - that our organizations' names will be used in a strategy in which agriculture has had very little opportunity for input. Agriculture needs a strategy that is accurate and realistic about its potential contributions.

THE FARMER PERSPECTIVE IS IMPORTANT

The goals for the Strategy and any state conservation plans implemented on private lands must be to preclude the listing of the monarch butterfly under the ESA. Private property rights must be respected. Our state laws recognize this right, and federal and state agencies must also. This should be complimented by the state and federal agencies setting the example for good species stewardship on lands they own and manage.

Any best management practices included in conservation plans should be backed by scientific research conducted on working lands. The plans should work alongside farmers, ranchers and private landowners in the states by offering voluntary, incentive-based approaches to conservation. Finally, another goal of a regional strategy should be to reward those working towards conservation with assurances that their good faith effort will not result in penalties or changing expectations in the future.

We have some major concerns about MAFWA's use of the Thogmartin paper for the Strategy. The policy assertions and recommendations for farms and private lands in what should be a scientific paper demonstrate a complete lack of knowledge about agricultural production, economics and Farm Bill programs. Irrespective of the uncertainties in the paper's underlying science assumptions (e.g., such as the limited number of observed monarch eggs per milkweed stem and resulting ratio for ag/non-ag sites in *Milkweed loss in agricultural fields because of herbicide use: effect on the monarch butterfly population*, Pleasants and Oberhauser, 2013), the authors' misinformed policy opinions in the paper lead to significant doubt about the science conclusions. It casts doubt on the strategy development process. These policy opinions are contrary to our members' policy and have "poisoned the well" and stand in the way of farmers developing a collaborative relationship with state and federal agencies working in good faith to develop a realistic strategy.

We represent our 1,803,153 members, who, if given a meaningful role in development of a strategy, will provide invaluable contributions to your effort now and well into the future. Important changes take time and real progress happens incrementally. If the farming community is allowed to participate in a legitimate process with clearly defined goals and has the opportunity to review the plan throughout the development and implementation process, we can engage our members. Specifically, we can focus on outreach and education, make investments and build programs, all of which can result in real change on the Midwest landscape to benefit the monarch.

OUR REQUEST

Given farmers and ranchers' important role in conservation across our region, we continue to ask for legitimate inclusion of the farming community in all levels of a regional strategy, as MAFWA has done with other conservation and environmental groups. We ask for meaningful representation and equitable respect on work groups that are developing the plan that includes representatives from farmer organizations, commodity groups, agribusiness, and agricultural researchers. We seek acknowledgement that the regional plan will not conflict with state plans under development or impose goals or activities that are in conflict with our organizational policy.

We understand the short timeline MAFWA is working under, and we understand that many details will be included and written into individual state plans rather than your Strategy. However, the current MAFWA effort is incomplete, and we cannot support it as it stands now.

We look forward to a response regarding our concerns and a dialogue about improvements to address them.

Sincerely,

American Farm Bureau Federation

Illinois Farm Bureau

Iowa Farm Bureau

Indiana Farm Bureau

Kansas Farm Bureau

Michigan Farm Bureau

Nebraska Farm Bureau

Oklahoma Farm Bureau

Texas Farm Bureau

CC:

Greg Sheehan, USFWS

Michael Gale, Special Assistant, USFWS

Dave Walker, USFWS

Tom Melius, USFWS

Aurelia Skipwith, DOI

From: [Ryan Yates](#)
To: [Greg Sheehan](#)
Subject: RE: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy
Date: Monday, June 11, 2018 7:21:20 AM

Hi Greg –

Our meeting with the Secretary was moved to 10:00 this morning. I'd imagine we would be done by 10:30 or 10:45. Could I swing by then since I'll be in the building?

Ryan

From: Greg Sheehan [mailto:greg_j_sheehan@fws.gov]
Sent: Monday, June 11, 2018 8:12 AM
To: Ryan Yates <ryany@fb.org>
Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Ryan,

Can I call you at about 10:30 am today to go over any shared items.

Thanks
Greg

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
202-676-7675 cell

On Jun 6, 2018, at 7:45 AM, Ryan Yates <ryany@fb.org> wrote:

Greg –

It would be good to catch up on a number of wildlife and ESA matters. Do you happen to have any time Monday afternoon? I have a meeting with the Secretary at 3:00, so I'll be in the building if you are available.

Thanks.

Ryan

From: Sheehan, Gregory [mailto:greg_j_sheehan@fws.gov]
Sent: Tuesday, June 5, 2018 10:10 PM
To: Ryan Yates <ryany@fb.org>
Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch

Conservation Strategy

Thanks Ryan

Thank you for sharing. Let me know if you want to discuss sometime.

Thanks

Greg

On Mon, Jun 4, 2018 at 4:27 PM, Ryan Yates <ryany@fb.org> wrote:

All –

Please see the attached comments regarding the proposed Mid-America Monarch Conservation Strategy submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma.

Thank you.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office 202.406.3664 | Mobile 202.641.1416

--

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545

From: [Ryan Yates](#)
To: [Greg Sheehan](#)
Subject: RE: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy
Date: Monday, June 11, 2018 10:16:46 AM

Hi Greg –

The meeting with the Secretary went well – just getting back to the office. I've free for about 15 minutes, then I'll be tied up through 1:30. The available from 1:30 to 3:00.

Ryan

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office 202.406.3664 | Mobile 202.641.1416

From: Greg Sheehan [mailto:greg_j_sheehan@fws.gov]
Sent: Monday, June 11, 2018 9:01 AM
To: Ryan Yates <ryany@fb.org>
Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Ryan.

I'm out in Shepherdstown WV and will return by noon. Was hoping to call you while en route back later this morning.

Any particular questions you need answered before your meeting?

Thanks

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Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
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Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
202-676-7675 cell

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Thank you.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

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--

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545

From: [Ryan Yates](#)
To: [Greg Sheehan](#)
Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy
Date: Monday, June 18, 2018 10:20:12 AM

Greg -

I wanted to follow up and check on your availability vto meet the week of July 9th. I'd specifically like to discuss the issue of monarch butterfly. Our Midwest State farm bureaus are working with Jim Lynch on monarchs and have an interest in discussing options for pre listing conservation agreements with the FWS.

Please let me know if you have a day that would work with your schedule that week.

Thanks.

Ryan

Get [Outlook for Android](#)

From: Ryan Yates
Sent: Monday, June 11, 2018 9:16:36 AM
To: Greg Sheehan
Subject: RE: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Greg –

The meeting with the Secretary went well – just getting back to the office. I've free for about 15 minutes, then I'll be tied up through 1:30. The available from 1:30 to 3:00.

Ryan

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office 202.406.3664 | Mobile 202.641.1416

From: Greg Sheehan [mailto:greg_j_sheehan@fws.gov]
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Hi Ryan.

I'm out in Shepherdstown WV and will return by noon. Was hoping to call you while en route back later this morning.

Any particular questions you need answered before your meeting?

Thanks

Greg

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
202-676-7675 cell

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Thanks

Greg

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
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Thanks.

Ryan

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Sent: Tuesday, June 5, 2018 10:10 PM

To: Ryan Yates <ryany@fb.org>

Subject: Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Thanks Ryan

Thank you for sharing. Let me know if you want to discuss sometime.

Thanks

Greg

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All –

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Thank you.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office 202.406.3664 | Mobile 202.641.1416

--

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service

1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545

From: [Jack Rice](#)
To: [Gambill, Zachariah](#); [Wanda Cantrell](#)
Subject: RE: [EXTERNAL] RE: Monarch Butterfly
Date: Monday, September 17, 2018 11:09:55 AM

Either time on the 18th works for me also. Thank you.

Jack

Jack L Rice
California Farm Bureau Federation
jrice@cfbf.com

From: Gambill, Zachariah <zachariah_gambill@fws.gov>
Sent: Monday, September 17, 2018 8:28 AM
To: Wanda Cantrell <wanda_cantrell@fws.gov>
Cc: Jack Rice <jrice@CFBF.com>
Subject: Re: [EXTERNAL] RE: Monarch Butterfly

The 18th works best for me and either time is good.

On Mon, Sep 17, 2018 at 9:24 AM Wanda Cantrell <wanda_cantrell@fws.gov> wrote:

Hello Everyone,

Paul is available on any of the following options below. Once confirmed I will send invite to include audio details.

9/18 @ 10am or 11am

9/19 @ 10am or 11am

Thank you

Wanda

From: Jack Rice [mailto:jrice@CFBF.com]
Sent: Friday, September 14, 2018 2:50 PM
To: Gambill, Zachariah; Paul Souza; Wanda Cantrell
Subject: [EXTERNAL] RE: Monarch Butterfly

Thanks Zack.

Look forward to connecting when we have time.

Take care.

Jack

Jack L Rice
California Farm Bureau Federation
jrice@cfbf.com

From: Gambill, Zachariah <zachariah_gambill@fws.gov>
Sent: Friday, September 14, 2018 2:08 PM
To: Jack Rice <jrice@CFBF.com>; Paul Souza <paul_souza@fws.gov>; Wanda Cantrell <wanda_cantrell@fws.gov>
Subject: Monarch Butterfly

Paul,

I would like to set up a conference call with you and Jack Rice with the Farm Bureau Federation, about the Monarch Butterfly. Next week if possible.

Respectfully,

--

Zack Gambill
Advisor
U.S. Department of the Interior
Western Region Fish and Wildlife Services
Lakewood, CO
officeFWS: 303-236-4250
officeBOR: 303-445-2542
Cell: 202-550-0709

NOTE: *Every email I send or receive is subject to release under the Freedom of Information Act.*

--
Zack Gambill
Advisor
U.S. Department of the Interior
Western Region Fish and Wildlife Services
Lakewood, CO
officeFWS: 303-236-4250
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Cell: 202-550-0709

NOTE: *Every email I send or receive is subject to release under the Freedom of Information Act.*

From: [Jack Rice](#)
To: [Souza, Paul](#)
Subject: RE: [EXTERNAL] Re: Time to Meet?
Date: Wednesday, April 25, 2018 12:21:19 PM

Perfect! Our address is 2300 River Plaza Drive, Sacramento.

Thank you.

Jack

Jack L Rice
California Farm Bureau Federation
jrice@cfbf.com

From: Souza, Paul [mailto:paul_souza@fws.gov]
Sent: Wednesday, April 25, 2018 10:00 AM
To: Jack Rice <jrice@CFBF.com>
Subject: Re: [EXTERNAL] Re: Time to Meet?

Sounds great, Jack. How about Tuesday at 3:00 pm? What's your address?

Thanks,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno/>

On Tue, Apr 24, 2018 at 11:54 AM, Jack Rice <jrice@cfbf.com> wrote:

Hello Paul,

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Any of that work for you?

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Sent from my iPhone

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Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
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916-208-2457 Cell
<https://www.fws.gov/cno/>

From: [Jack Rice](#)
To: [Souza, Paul](#)
Subject: RE: [EXTERNAL] Re: Time to Meet?
Date: Wednesday, April 25, 2018 3:03:01 PM

Hello Paul,

Would it be more convenient for me to come to your office?

Jack

Jack L Rice
California Farm Bureau Federation
jrice@cfbf.com

From: Souza, Paul [mailto:paul_souza@fws.gov]
Sent: Wednesday, April 25, 2018 10:00 AM
To: Jack Rice <jrice@CFBF.com>
Subject: Re: [EXTERNAL] Re: Time to Meet?

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On Apr 23, 2018, at 4:37 PM, Souza, Paul <paul_souza@fws.gov> wrote:

Jack,

I'm finally back from DC and wanted to follow up with you. How does your schedule look over the next three weeks?

Best,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno/>

From: [Ryan Yates](#)
To: [Boggess, Ed \(DNR\)](#); [Bill Moritz](#); [aurelia_skipwith@ios.doi.gov](#); [dave_walker@fws.gov](#); [gregory_sheehan@fws.gov](#); [tom_melius@fws.gov](#); [MoritzW@michigan.gov](#); [Claire.Beck@dnr.state.oh.us](#); [brian.klippenstein@osec.usda.gov](#)
Subject: RE: Farm Bureau MAFWA letter
Date: Friday, January 26, 2018 9:29:32 AM
Attachments: [FB follow up to MAFWA 1_25_18.pdf](#)

All –

Please see the attached letter from Farm Bureau regarding withdrawal from participation in the MAFWA Mid-America Monarch Conservation Strategy. Following lengthy discussions, we have concerns about the Agriculture/Private Working Lands Technical Work Group and its recommendations concerning changes to farm program policy in the Farm Bill.

We thank you for your time and the offer of participation. We hope our organizations can continue to inform each other as we work to promote monarch conservation.

Please let me know if you have any questions. Thank you.

RYAN R. YATES | Director of Congressional Relations
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office 202.406.3664 | Mobile 202.641.1416

From: Boggess, Ed (DNR)
Sent: Monday, October 30, 2017 4:27 PM
To: 'Ryan Yates' <ryan@fb.org>
Cc: Aurelia Skipwith <aurelia_skipwith@ios.doi.gov>; dave_walker@fws.gov; gregory_sheehan@fws.gov; 'Melius, Tom' <tom_melius@fws.gov>; MoritzW@michigan.gov; Claire.Beck@dnr.state.oh.us
Subject: RE: Farm Bureau MAFWA letter

Mr. Yates,

Please see attached response to your letter of October 23, 2017, sent on behalf of the Mid-America Monarch Conservation Strategy Board of Directors and chair Bill Moritz.

Please share as appropriate and we look forward to your response.

Edward K. Boggess, CWB®
MAFWA Monarch Conservation Liaison
email: ed.boggess@state.mn.us
phone: 651-308-6283

From: Ryan Yates [<mailto:ryany@fb.org>]
Sent: Monday, October 23, 2017 9:16 AM
To: MoritzW@michigan.gov; Boggess, Ed (DNR) <ed.boggess@state.mn.us>;
Claire.Beck@dnr.state.oh.us
Cc: Aurelia Skipwith <aurelia_skipwith@ios.doi.gov>; dave_walker@fws.gov;
gregory_sheehan@fws.gov
Subject: Farm Bureau MAFWA letter

Good Morning -

Please see the attached letter written on behalf of the American Farm Bureau Federation and the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Oklahoma, and Texas outlining concerns regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

I look forward to working with you to rectify these important concerns. Thank you.

RYAN R. YATES | *Director of Congressional Relations*
American Farm Bureau Federation ®
600 Maryland Ave, SW Suite 1000W | Washington, DC 20024
Office [202.406.3664](tel:202.406.3664) | Mobile [202.641.1416](tel:202.641.1416)

January 25, 2018

Bill Moritz, Chairman
Board of Directors
Midwest Association of Fish and Wildlife Agencies
Mid-America Monarch Conservation Strategy

Email letter to: moritzw@michigan.gov
Cc: Ed Boggess (ed.boggess@state.mn.us), Claire Beck (Claire.Beck@dnr.state.oh.us)

Re: Farm Bureau Participation in the MAFWA Effort to Develop the Mid-America Monarch Conservation Strategy

Dear MAFWA Board of Directors,

This correspondence is written on behalf of the American Farm Bureau Federation and the 1,590,058 members of the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Nebraska, Oklahoma, and Texas in follow up to the December 15, 2017 conference call we had with Mr. Boggess and Mr. Moritz regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

To begin, we sincerely appreciate the time Mr. Boggess and Mr. Moritz spent with us on the conference call. As we understand it, 17 state fish and wildlife agency directors are working within MAFWA to “knit together individual state strategies” under a quick deadline set forth by a National Fish and Wildlife Foundation grant. We appreciate Mr. Bogges’s and Mr. Moritz’s comments regarding their acknowledgement that private land, mostly agricultural land in this region, is important for protecting the monarch butterfly. We also welcomed your statement that avoiding the Endangered Species Act (ESA) listing of the same is the goal of the MAFWA effort.

In addition to the Board of Directors, MAFWA has added “ex-officio members” to the Strategy effort, including the US Fish and Wildlife Service (FWS), the US Department of Agriculture-Natural Resources Conservation Service (NRCS), Pheasants Forever, National Wildlife Federation, and Monarch Joint Venture. MAFWA has extended an offer for an ex-officio member position to the Keystone Monarch Collaborative and also now to Farm Bureau. As we understand it, the ex-officio member positions do not come with voting rights.

In addition to the Board of Directors and Ex-officio member positions, the Strategy governance is also made up of additional committees and work groups. Representatives of Illinois Farm Bureau and Oklahoma Farm Bureau have served on the Agriculture/Private Working Lands Technical Work Group. Recently we were made aware that this Technical Work Group will be recommending Farm Bill program changes to the Association of Fish and Wildlife Agencies (AFWA) based on suggestions within the Agriculture chapter of the MAFWA effort. We have expressed verbally and through written comment some of our concerns about the recommendations proposed in the chapter thus far. While the Work Group contains biologists from USDA-NRCS, missing from the discussion are USDA program staff that would provide valuable insight into how Farm Bill programs actually work, what farmers must do to qualify and participate, and how potential changes might be implemented. We oppose the use of this chapter for making Farm Bill recommendations from the Work group or for recommending some of the

practices mentioned in the Thogmartin paper while the Work Group is still missing knowledgeable contributions from USDA staff and diverse farmer groups.

As you know, Farm Bureau prides ourselves on our grassroots policy development process that is led by our farmer members. Our policy provides a framework that guides staff in our interactions with agencies, organizations, and entities like yours. It also includes policy positions on things like conservation, environmental stewardship, and the monarch butterfly. One important policy guides how our organization engages in Farm Bill discussions. These recently updated and approved policies will serve as the foundation for our discussions in 2018 on the next Farm Bill – including components related to conservation and the other 11 titles of the Farm Bill. As such, we feel we must respectfully withdraw from the MAFWA Strategy efforts. We have a long history of carrying our farmers' messages into Farm Bill discussions and we feel working simultaneously within a different coalition will muddy the already complicated waters of Farm Bill debate.

We appreciate the monumental task you have undertaken, to articulate an overarching strategy for the region. As you know, many of our state Farm Bureau staff and farmer members are actively involved in the development of state monarch strategies. Those efforts take a lot of time and resources. We are also actively exploring ways to carry a more unified agricultural message into the pre-listing discussions with the US Fish & Wildlife Service.

Again, we thank you for your time and the offer of participation. We hope our organizations can continue to inform each other as we work for monarch conservation.

Sincerely,

American Farm Bureau Federation
Illinois Farm Bureau
Iowa Farm Bureau
Indiana Farm Bureau
Kansas Farm Bureau
Nebraska Farm Bureau
Oklahoma Farm Bureau
Texas Farm Bureau

cc:

Greg Sheehan, USFWS
Michael Gale, Special Assistant, USFWS
Dave Walker, USFWS
Tom Melius, USFWS
Aurelia Skipwith, DOI
Brian Klippenstein, USDA

From: [Harding, Stephenne \(Tom Udall\)](#)
To: [Amy_Lueders@fws.gov](#)
Cc: [Bloom, Greg \(Tom Udall\)](#)
Subject: [EXTERNAL] FW: Letter to USFWS from Peter Ossorio
Date: Friday, June 8, 2018 4:39:28 PM
Attachments: [May 2018 FWS letter \(Udall\).docx](#)
[Cross-fostering history 7 march 2018.docx](#)
[Release plan sign on FINAL 3.20.18.docx](#)

Amy—

Hope you are well. Greg and I wanted to pass along these letters which some of our New Mexico constituents sent to your office and asked that we also share with you. Apparently they never received a response and wanted to make sure it was brought to your attention.

Thank you for your consideration,
Cheers,
Stephenne

Stephenne Harding
Senior Policy Advisor
(202) 224-7984
Stephenn_Harding@tomudall.senate.gov

Peter M. & Jean C. Ossorio

(b) (6)

May 10, 2018

Director Amy Lueders
U.S. Fish & Wildlife Service, Southwest Region
P.O. Box 1306
Albuquerque, NM 87103-1306

Re: Urgent need for Adult Mexican wolf releases

Dear Director Lueders,

Given the currently critical state of genetic diversity in the wild Mexican wolf (*Canis lupus baileyi*) and the recent court order emphasizing the failings of the U.S. Fish and Wildlife Service's approach to wolf recovery, we request that you reconsider and modify the Initial Release and Translocation Proposal for 2018.¹ It is imperative that the Service act expeditiously and with the full authority of the Endangered Species Act to recover this species.

As you know, a federal court recently decided the January 2015 agency decision, "Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf," ("10(j) Rule") was, "arbitrary and capricious," inconsistent with the recommendations of top wolf scientists, and failed to further the conservation of the Mexican wolf. Many aspects of the flawed 2015 rule are repeated in the 2017 Recovery Plan, itself the subject of litigation. While these two legal matters are pending further judicial review, we reiterate our request to you -- contained in our unanswered letter of March 20, 2018 -- and urge the Service to release well-bonded adult wolves with pups from the captive population when and where the opportunity to do so exists, regardless of state politics and objections thereto.

Without in any way criticizing the extensive effort recently made by the captive breeding facilities and the Interagency Field Team (IFT) to cross-foster pups during the 2018 denning season, it is evident that the currently approved "cross-fostering" plan for 2018 was unsuccessful: Despite everyone's best efforts, 12 pups were not cross-fostered. Further, the possibility of compensating for the 2018 shortfall in 2019 and also introducing 12 additional pups in 2019 is so remote as to be clearly insufficient to meet the Service's obligation to advance recovery.

The survival and recovery of the Mexican wolf under the Endangered Species Act should not be compromised by political objections. The scientific evidence, unfortunately confirmed by empirical results, demonstrates that a robust release program is necessary to stave off inbreeding depression that imperils this native wildlife species. We encourage you to immediately plan for adult and pack releases in the summer of 2018.

Sincerely,

Peter M. Ossorio

Jean C. Ossorio

¹ https://www.fws.gov/southwest/es/mexicanwolf/pdf/Initial_Release_and_Translocation_Proposal.pdf

A BRIEF HISTORY OF CROSS-FOSTERING MEXICAN WOLVES IN THE UNITED STATES

The term *cross-foster* applies to the removal of offspring from their biological parents and placement with surrogate parents. It includes two distinct situations – which have significantly different implications for improving the genetic diversity of the wild population: Where the biological parents are from the captive population, cross-fostering into a den in the wild is also considered an *initial release*; where the pups are in a wild den before being transferred to another den in the wild the cross-foster is also considered a *translocation*.¹ Obviously, only the former injects new genes from the captive population into the wild population.²

The period of initial releases of adult wolves or adults with pups was March 29, 1998 intermittently through April 22, 2015.³ (No adults have been released since.) **Cross-fostering began in 2014.**

2014

F1126 was born in captivity. In October 2012 she was transferred from the Brookfield Zoo to the Sevilleta National Wildlife Refuge, where she was paired with M1051, a wild-born wolf who had been removed to captivity in 2007 as a small pup, along with his six littermates and the rest of his pack. The pair was placed into a pre-release pen in Arizona in May 2013, in the hope that F1126 would whelp a litter of pups and the pack could be released into the wild later in the spring. Unfortunately, she failed to produce living pups and the pair was returned to captivity.

The following January 2014, F1126 was paired with M1249, a wild-born wolf caught and captured on the end of year survey for the purpose of providing her a mate with wild experience. M1249 and a pregnant F1126 were released into the wild on April 9, 2014. By the time F1126 gave birth to a litter of pups, around May 5, 2014, M1249 had left her alone and returned to his old haunts farther to the northwest. Members of the field team intervened, taking F1126 and four of her six pups to Sevilleta on May 15.⁴ They took the other two pups, mp1347 and fp1346 to New Mexico, where they were cross-fostered into the Dark Canyon Pack's den, to be reared with members of the pack's wild born litter.⁵ **These were the first two cross-fostered pups.**

¹ See U.S. Fish and Wildlife Service. 2017. Mexican Wolf Recovery Program: Progress Report #19; Reporting Period: January 1 – December 31, 2016, 14.

² See SOP 31, note 18, *infra*.

³ See Siminski, D.P. 2017. Mexican Wolf, *Canis lupus baileyi*, International Studbook [“Studbook”], 2017. The Living Desert, Palm Desert, California, U.S.A. 122pp. M1130 was the last adult release into the wild. He was killed less than a month later *Id.*, 69.

⁴ Studbook, 79.

⁵ See U.S. Fish and Wildlife Service. 2015. Mexican Wolf Recovery Program: Progress Report #17; Reporting Period: January 1 – December 31, 2014, 24. During the end-of-year minimum population count four of the five pups

2015

Although the Replacement, Initial Release and Translocation Proposal for 2015 included a proposal to cross-foster wolf pups produced in captivity into any wild Mexican wolf den in the former Blue Range Wolf Recovery Area,⁶ **no cross-fostering took place in 2015.**⁷ (The 2014 cross-fostered pups, now yearlings f1346 and m1347, survived through 2015.⁸)

2016

In 2016 the field team cross-fostered two pups into each of three wild dens for a total of six—the most pups placed into the wild through cross-fostering in a single year to date.

Two pups, mp1461 and fp1462, from the Endangered Wolf Center in Missouri, were placed into the den of the Sheepherders' Baseball Park Pack in New Mexico on April 23, 2016. Both were lost to follow up the next day.⁹

Two more pups, mp1471 and fp1472, from the Brookfield Zoo in Chicago, were cross-fostered into the den of the Elk Horn Pack in Arizona on April 30. One, fp1472, was lost to follow up the next day.¹⁰

Finally, two more pups, fp1480 and fp1481, also from the Endangered Wolf Center, were placed in the den of the Panther Creek Pack in Arizona on May 9, 2016.¹¹ The next day, they were lost to follow up.¹²

Status of 2014 cross-fostered wolves at the end of 2016:

**F1346 became AF 1346 (Leopold Pack).¹³ About April 15, 2016, she gave birth to mp1561.¹⁴
M1347 was lost to follow up December 28, 2016,¹⁵ but in 2017, AM1347 (Baldy Pack) sired**

associated with the Dark Canyon Pack were documented but only mp1347 was specifically identified as alive at the end of the year. *Id.*

⁶ U.S. Fish and Wildlife Service. 2015. Mexican Wolf Blue Range Reintroduction Project; Replacement Release, Initial Release and Translocation Proposal for 2015; IFT Final Proposal: February 24, 2015, 5-6.

⁷ See generally, U.S. Fish and Wildlife Service. 2016. Mexican Wolf Recovery Program: Progress Report #18; Reporting Period: January 1 – December 31, 2015.

⁸ Studbook, 79.

⁹ Studbook, 83.

¹⁰ *Id.*

¹¹ See U.S. Fish and Wildlife Service. 2017. Mexican Wolf Recovery Program: Progress Report #19; Reporting Period: January 1 – December 31, 2016, 13-14.

¹² Studbook, 83-84.

¹³ U.S. Fish and Wildlife Service. 2018. Mexican Wolf Experimental Population Area (MWEPA) Monthly Project Updates; January 2018 (Leopold Pack).

¹⁴ Studbook, 86.

¹⁵ Studbook, 79.

mp1672 who was subsequently collared and determined through DNA testing be M1347's son.¹⁶

There were no cross-fostered wolves in 2015 – and thus no 2015 cohort to survive.

Status of 2016 cross-fostered wolves at the end of 2016:

Of the six pups cross-fostered in 2016, all but mp1471 were lost to follow up before the end of 2016.¹⁷

2017

Two cross-fostering events took place in 2017.

On May 3, fp1578 and mp1579, from the Brookfield Zoo were placed into the San Mateo Pack den in New Mexico. These pups were the younger siblings of the pair cross-fostered into the Elk Horn Pack in 2016. At the same time, two pups from the eight pup San Mateo litter were removed from the den and transported to the Brookfield Zoo, to be cross-fostered with the captive pair, two of whose pups were placed into the San Mateo den.¹⁸

On May 17, 2017, two pups, fp1590 and fp1591, from the California Wolf Center in Julian, CA, were placed into the den of the Panther Creek Pack in Arizona.¹⁹ Although the wild litter contained only six pups, the team removed two of them and sent them to the California Wolf Center, to be integrated into the captive pack providing the pups cross-fostered into the wild den.²⁰ The fact that the Panther Creek breeding pair, AM1382 and AF1339, were full siblings with overrepresented Bluestem genetics may have led to that decision.

¹⁶ Mexican Wolf Interagency Field Team, 2017. Mexican Wolf Reintroduction Project Monthly Update; November 1-31, 2017, (Baldy Pack).

¹⁷ Despite being lost to follow up, through indirect means, the IFT deduced that at least one cross-fostered Panther Creek pup (fp1480 or fp1481) survived until the end of 2016. See U.S. Fish and Wildlife Service. 2017. Mexican Wolf Recovery Program: Progress Report #19; Reporting Period: January 1 – December 31, 2016, 14-15.

¹⁸ See Mexican Wolf Interagency Field Team, 2017. Mexican Wolf Reintroduction Project Monthly Update; May 1-31, 2017, (San Mateo Pack); Studbook, 92, 94. According to Standard Operating Procedure Number 31, which provides the protocol followed by the field team when cross-fostering pups, "Generally, cross-fostering should result in a combined litter of eight or fewer pups (based on the maximum litter size documented in wild Mexican wolf packs)." Also, "If the recipient Pack has genetics redundant to the wild population but desirable for the SSP, the return of 'extra' wild pups to the SSP may be considered." U.S. Fish and Wildlife Service. 2016(?). Mexican Wolf Reintroduction Project; Standard Operating procedure (SOP) 31.0 (Cross-fostering of Mexican Wolf Pups. Draft.doc. 31pp. ["SOP 31"] 2.

¹⁹ Studbook, 93.

²⁰ See Mexican Wolf Interagency Field Team, 2017. Mexican Wolf Reintroduction Project Monthly Update; May 1-31, 2017, (Panther Creek Pack); Studbook, 93, 97.

Status of 2014 cross-fostered wolves at the end of 2017:

AF1346 and AM1347 remained alphas of the Leopold and Baldy Packs, respectively.

Status of 2015 cross-fostered wolves at the end of 2017:

N/A (No cross-fosters in 2015)

Status of 2016 cross-fostered wolves at the end of 2017:

Of the six pups cross-fostered in 2016, only mp1471 was known to survive at the end of 2017.

Status of 2017 cross-fostered wolves at the end of 2017:

Of the four pups cross-fostered in 2017, only one – fp1578 – was located at the end of 2017.²¹

2018

In addition to the two wild-to-wild cross-fostered wolves in 2014 -- now AF 1346 (Leopold Pack) and AM 1347 (Baldy Pack) -- only two of the pups from captive facilities cross-fostered into dens in the wild in 2016 and 2017 were known to be alive in the wild on January 31, 2018: Elk Horn m1471 and San Mateo fp1578.²² They are the only two caught and collared so far. There is a slight chance that one or more additional pups out of the total of ten are also alive and may be identified when caught and collared at some future date.

Summary

YEAR	CROSS-FOSTERED	KNOWN SURVIVORS
2014	2	2
2015	0	0
2016	6	1
2017	4	1
2018	TBD	TBD

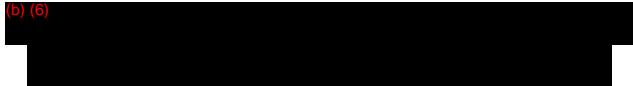
In addition to the four out of 12 “first generation” cross-fostered wolves known to survive, there were two “second generation” (M1561, son of AF1346 and mp1672, son of AM1347) offspring of cross-fostered animals alive in the wild as of January 31, 2018.

²¹ Mexican Wolf Interagency Field Team, 2017. Mexican Wolf Reintroduction Project Monthly Update; December 1-31, 2017, (San Mateo Pack).

²² U.S. Fish and Wildlife Service. 2018. Mexican Wolf Experimental Population Area (MWEPA) Monthly Project Updates; January 2018 (Baldy Pack & Leopold Pack).

Peter M. & Jean C. Ossorio

(b) (6)



20 March 2018

Director Amy Lueders
U.S. Fish & Wildlife Service
Southwest Region
500 Gold Avenue SW
Albuquerque, NM 87102

RE: Adaptive Management of 2018 Release Plan for the Mexican Wolf (*Canis lupus baileyi*)

Dear Director Lueders:

We request that you immediately review and revise the Initial Release and Translocation Proposal for 2018 (Nov. 21, 2017 version) (“Release Plan”) to fulfill the Service’s own Mexican Wolf Recovery Plan¹ (“Recovery Plan”) and its accompanying Recovery Implementation Strategy² (RIS). We request that you apply all available techniques and authority under the Endangered Species Act³ (ESA) to ensure that the Service does not fall behind its own plans and projections for releasing genetically valuable wolves to stem the critical threat to recovery posed by excessive inbreeding among the wild population. Specifically, we request that you immediately contact the Arizona Game and Fish Department and the New Mexico Department of Game and Fish and notify them that the Service will release appropriate adult packs with pups of the year in July 2018 if the present plan to cross foster 12 pups into Arizona and New Mexico dens proves unsuccessful for any reason.

This request does not address our continued opposition to significant portions of the January 2015 Mexican Wolf reintroduction rule⁴ (“10(j) Rule”) nor our rejection of the Recovery Plan as politically generated, legally defective, scientifically unsound, and likely to lead to the *lobos’* extinction.

¹ U.S. Fish and Wildlife Service. 2017. Mexican Wolf Recovery Plan, First Revision. Region 2, Albuquerque, New Mexico, USA.

² U.S. Fish and Wildlife Service. 2017. Mexican Wolf Recovery Implementation Strategy. Region 2, Albuquerque, New Mexico, USA.

³ 16 U.S.C. §§ 1531 *et seq.*

⁴ 50 CFR § 17.84 (k); 80 FR 2557, Jan. 16, 2015.

Nor does this request ask that the Service explore in depth the probable reasons for the dismal 2017 end-of-year (EOY) population⁵ – which, if not significantly improved, shows it would require approximately 209 years for the population to reach and maintain for three years the (inadequate) level which the Service contends is sufficient for delisting.⁶ It simply addresses the genetic component of the documents which the Service itself has promulgated and claims will lead to the eventual delisting of the *lobo*.

The Service acknowledges that the path to delisting and recovery requires the wild population to walk on two legs – an increasing, and ultimately stable, population and reducing the inbreeding of the wild population.⁷ The Service has amply documented the genetic bottleneck threatening Mexican wolves. The inbreeding of the wild population is so extreme that they are as closely related as brother and sister.⁸ The Service’s answer to this crisis is to rely on the cross-fostering of two pups into each of six dens in Arizona and New Mexico -- *not just in 2018, but for 16 years.*⁹ (Elsewhere, a variety of comments of record on the Recovery Plan have stated why this number is probably insufficient and is based on an optimistic extrapolation from a paucity of data about the probability of mating and pup production success.¹⁰

We must call your attention to the jarring contrast between the Service’s plan and strategy for improving the genetics of the wild population and the real-world result of cross-fostering which began in 2014: Only two cross-fostered wolves (AF1346 and AM1347) are known to have

⁵ U.S. Fish and Wildlife Service. Feb. 21, 2018. News Release; 2017 U.S. Mexican Wolf Population Survey Completed. Region 2, Albuquerque, New Mexico, USA. End-of-Year survey for 2017 showed a minimum of 114 wolves in the wild U.S. Population; for 2016, it was 113.

⁶ See, e.g., Recovery Plan, ES-2, U.S. population average must exceed 320 wolves each of the last three years.

⁷ See, e.g., Recovery Plan, 9 (*Baileyi* was listed as an endangered species in danger of extinction due to illegal shooting and genetic inbreeding; within context of recovery planning the threats include stochasticity associated with small population size and loss of gene diversity); Recovery Plan, 19 (delisting requires a U.S. population which *both* averages 320 wolves over an 8-year period *and* incorporates gene diversity from the captive population through sufficient releases for 22 Mexican wolves to survive to breeding age).

⁸ Recovery Plan, 7 (“Mean kinship for the United States [wild] population is 0.2452 (Siminski and Spevak 2017) [Siminski, P. and E. Spevak. 2017. Population analysis and breeding and transfer plan: Mexican wolf Species Survival Plan yellow program. Association of Zoos and Aquariums, Silver Spring, Maryland. 89pp.].”

⁹ RIS, Table 1. Implementation Schedule for Mexican Wolf Recovery, Recovery Action, 6: 2.1. Develop and implement an annual plan for Mexican wolf releases, cross-fostering, and translocations in the U.S.: “2.1.2 Activity: Cross-foster 12 wolf pups/year. Duration: 16 [years].”

¹⁰ See, e.g., Ossorios’ letter to Public Comments Processing, ATTN: FWS-R4-ES-2017-0036, U.S. Fish and Wildlife Service, 26 August 2017, pp. 12-13, ¶; Dr. C. Carroll, Letter, Aug. 28, 2017, pp. 4-8, 16-20; Dr. R. Fredrickson, Letter, Aug. 29, 2017, 2-4; Turner Endangered Species Fund, Letter Aug. 29, 2017, 2, 4; WildEarth Guardians, Letter, Aug. 29, 2017, 10-11.

successfully reproduced in the wild – and each produced only one known survivor (m1561 and mp1672, respectively).¹¹

Even if the Service’s planned cross-fostering of 192 pups in the period 2018-2033 were sufficient, neither the Recovery Plan nor the Release Plan contains a “no slippage” provision to ensure that a shortfall in one year is not allowed to drag reintroduction and recovery into an insurmountable deficit in succeeding years. The possibility of increasing cross-fosters in 2019 to compensate for what we anticipate to be 2018’s sub-standard performance is nil. While we have the greatest regard for both the captive breeding facility donors and the Interagency Field Team (IFT) members, finding appropriate den mothers within a short (10-14 day) window becomes increasingly difficult as the number of placements increases. (The most placements ever done were in 2016 – and those 6 pups were only half of the number the Service’s Plan calls for successful release year after year, for a duration of 16 years.)

Although we are not convinced that cross-fostering is a more effective method of improving the genetics of the wild population than adult/pup pack releases, even if that technique could be shown to be more effective, the Service should not place all its genes in one (or even six) den(s). Yet nowhere in your Release Plan is there a “trigger” to add pack releases to inadequate cross-fostering.¹² (In our opinion, this is a deliberate omission – and probably an unlawful abdication of ESA recovery responsibility -- resulting from political pressure to cater to state agency perceptions of “social tolerance.”)

We are well aware of both the regulatory mandate and pragmatic advantages of following state agency regulations and seeking specified permissions and approvals for releases. However, the previous Secretary – to her great credit and fidelity to the truth – made an explicit finding, as required when over-riding state regulations, that ESA mandated recovery simply could not be successful without releases over the objections of NMDGF. Thus far, the courts have validated that decision. Perhaps more importantly from a scientific and programmatic assessment, no

¹¹ Tracking the combined efforts of the captive breeding facilities and the Interagency Field Team (IFT) since the first “cross-foster” of pups from one den in the wild to another den in the wild in 2014 is not easy. Further, although the Service only “consider[s] all releases subsequent to December 2015 to contribute to the genetic criteria for the United States . . .”, its recent Press Release quotes the Assistant Director of Wildlife Management for the AGFD: “The fact that cross-fostered wolves had pups this year is a major milestone . . .”¹¹ Cf. Recovery Plan, 23 with U.S. Fish and Wildlife Service. Feb. 21, 2018. News Release; 2017 U.S. Mexican Wolf Population Survey Completed. Region 2, Albuquerque, New Mexico, USA). The actual fact is there was *one* known pup in 2016 and *one* known pup in 2017 who were descended from the two pups taken in 2014 from *Coronado* (AF1126) and immediately placed in the *Dark Canyon* foster mother’s (AF923) den. In other words, the 2014 pups who survived, bred and each had one surviving pup were not bred in captivity and then cross-fostered into the wild. In order to more fully and fairly assess the results of cross-fostering to date, we attach a detailed history of the program.

¹² RIS, Table 1, 6. Activity Number 2.1.3 does call for “Release pairs with pups if cross-fostering is deemed unsuccessful; duration 5 [years].” However, there is no “trigger” or linkage to any particular shortfall in any particular period which will cause the Service to “deem” cross-fostering “unsuccessful.”

objective facts have changed since that decision; the need then is even greater now – and with every passing generation of wolves in the wild.

Rather than waiting for five years – as currently embodied in the Recovery Plan¹³ – to re-evaluate and adaptively manage reintroduction, we ask that you (1) institute annual requirements to measure (and report publically) the inbreeding co-efficient of the wild population; that you monitor (and report publically) the results of cross-fostering as part of each End-of-Year (EOY) Report; and that in 2018 -- and every succeeding year -- you request not only state agency approval to cross-foster 12 pups but that you notify the captive breeding facilities and state agencies that if 12 pups have not been cross-fostered by mid-May of a calendar year, an appropriate number of adult/pack releases will be made into locations of the Service's selection in June-July of that year.

We are highly skeptical that the Service's cross-fostering plans are either realistic or sufficient, even if they are fully "successful." However, we acknowledge that cross-fostering may be one of several valuable techniques – and *encourage the Service to reach out to organizations and individuals to conserve a constrained budget through voluntarily assisting the IFT in cross-foster and adult family releases.*

Sincerely,

Peter M. Ossorio

Jean C. Ossorio

Enclosure: As stated

Cc: Sherry Barrett, Mexican Wolf Recovery Coordinator
Maggie Dwire, Assistant Mexican Wolf Recovery Coordinator

Additional Signatories in alphabetical order:

Greta Anderson
Deputy Director
Western Watersheds Project

¹³ Recovery Plan, 26: "[W]e will evaluate its [the recovery strategy] efficacy and the progress of the Mexican wolf population toward recovery 5 and 10 years after implementation of the recovery plan."

Sandy Bahr
Chapter Director
Sierra Club - Grand Canyon Chapter

Kevin Bixby
Executive Director
Southwest Environmental Center

Kelly Burke
Executive Director
Grand Canyon Wildlands

Donna Cassano
Flagstaff, AZ

Kim Crumbo
Western Conservation Director
Wildlands Network

Hailey Hawkins
Southern Rockies Field Representative
Endangered Species Coalition

Tom Hollender, President
White Mountain Conservation League
Pinetop, AZ

Maggie Howell
Executive Director
Wolf Conservation Center

Paula-Marie Lewis
PhD Candidate
Brisbane, Australia

Rick LoBello
El Paso Sierra Club Group

Malcolm R. MacPherson, PhD
Retired Scientist
Santa Fe, NM

Karen Michael
Secretary, Board of Directors
Animal Defense League of Arizona

David Parsons
Wildlife Biologist - USFWS Retired
Former Mexican Wolf Recovery Coordinator

Emily Renn
Executive Director
Grand Canyon Wolf Recovery Project
Flagstaff, AZ

Mary Katherine Ray
Wildlife Chair, Rio Grande Chapter Sierra Club

Kirk Robinson, Ph.D.
Executive Director
Western Wildlife Conservancy

Michael J. Robinson, Conservation Advocate
Center for Biological Diversity
Silver City, NM

Daniel Sayre
National Wolfwatcher Coalition

Christopher Smith,
Southern Rockies Wildlife Advocate
WildEarth Guardians

Rosalind Switzer
Middle Gila Broadband Leader
Great Old Broads for Wilderness

Russell Winn, Ph.D.
Billie Hughes, Ph.D.
Nutrioso AZ

From: [Benjamin, Darren](#)
To: jerome_ford@fws.gov
Subject: [EXTERNAL] FW: Upcoming FWS Regional Cormorant-Fish Stakeholder Meetings
Date: Thursday, July 19, 2018 12:34:31 PM

Thank you.

From: Bivens, Dana [mailto:dana_bivens@fws.gov]
Sent: Thursday, July 19, 2018 12:43 PM
Subject: Upcoming FWS Regional Cormorant-Fish Stakeholder Meetings

Dear Congressional Colleagues:

As you know, the U.S. Fish and Wildlife Service (Service) is committed to taking steps to provide relief to recreational and commercial fishing interests that may be suffering economic losses due to predation by double-crested cormorants. In our continuing efforts to keep interested congressional offices apprised of the Service's efforts regarding cormorants, we would like to provide you with the following update:

This August, the Service will hold four regional meetings across the United States focusing on conflicts related to cormorants and free-swimming fish, which will provide a forum for open dialog among tribal, state, and federal leaders in fisheries and migratory bird management. The four meetings are planned for locations in the Great Lakes, Atlantic, Central, and Western U.S. regions (see schedule below for details).

Background: On November 15, 2017, the Service published an Environmental Assessment analyzing options for issuing depredation permits to aquaculture facility managers and property owners for cormorants where there is significant economic damage to aquaculture facilities, significant damage to native vegetation, significant impact on threatened or endangered species, or significant human safety risks. Facility managers and property owners in thirty-seven states and the District of Columbia may now apply for individual permits for lethal take of cormorants in these circumstances.

The scope of this assessment, however, did not include potential damage by cormorants to recreational and commercial fishing. Therefore, we have begun the next phase of assessing comprehensive management options for cormorants across the United States. These upcoming regional meetings represent our commitment to work closely with local stakeholders to compile scientific information regarding the biological and economic effects of cormorants, and of their removal, on wild fisheries.

The objectives of these regional meetings are to: (1) gather available information and data regarding the impacts that cormorants have on free-swimming fish populations; (2) better understand the scope and magnitude of cormorant impacts on recreational and commercial fishing; (3) better understand the social and economic importance of the issue from local perspectives; and (4) potentially serve as a model process for addressing avian predation conflicts with other species.

Collecting this information from local stakeholders will enable us to build a solid foundation to develop science-based management options for sustainably managing avian predation conflicts with free-swimming fish.

Dates and locations for each regional meeting:

- **Central Meeting (AL, AR, IA, KS, KY, LA, MO, MS, ND, NE, OK, SD, TN, and TX)**

- Date: August 14, 2018
- Location: Little Rock, AR
- **Great Lakes Meeting (IL, IN, MI, MN, NY, OH, PA, VT, and WI)**
 - Date: August 16, 2018
 - Location: Lansing, MI
- **Atlantic Meeting (CT, DC, DE, FL, GA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT, and WV)**
 - Date: August 23, 2018
 - Location: Atlantic City, NJ
- **Western Meeting (AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY)**
 - Date: August 30, 2018
 - Location: Portland, OR

Thank you and please feel free to contact me with any further questions.

Best,

Dana

--
Dana Bivens
Program Analyst
U.S. Fish and Wildlife Service
Division of Budget
Office: (703) 358-2419
dana_bivens@fws.gov

From: [Conklin, Meghan \(Van Hollen\)](#)
To: [Wendi Weber](#); [Eustis, Christine](#)
Subject: [EXTERNAL] FYI
Date: Monday, October 15, 2018 12:51:59 PM

INTERIOR

Controversial lawyer named to key fish and wildlife job

[Scott Streater](#) and [Michael Doyle](#), E&E News reporters

Published: Monday, October 15, 2018



The Interior Department has reportedly picked Karen Budd-Falen for a behind-the-scenes legal position. The County Seat/YouTube

The Interior Department has tapped Wyoming attorney Karen Budd-Falen for a key, behind-the-scenes legal position with considerable sway over parks and wildlife policies.

As deputy solicitor for Fish, Wildlife and Parks, Budd-Falen will render legal opinions that can either bind or unleash Interior officials. And though her appointment alarms some Westerners and environmentalists, allies see in her a strong property rights proponent.

Budd-Falen, in a brief interview today with E&E News from her private law office in Cheyenne, Wyo., acknowledged that her appointment is likely to spark criticism.

"I know that there are people that are going to be very happy that I'm going back there, and there are going to be people that are very unhappy that I am going to go back there," she said.

Budd-Falen's selection for the deputy solicitor's job marks a notable career shift for the graduate of the University of Wyoming and its law school. It was first reported online last Friday by The Fence Post, a Greeley, Colo.-based Western and agricultural news organization.

"I think that the deputy solicitor role is a wholly different animal than what I've been doing the last 30 years," Budd-Falen told E&E. "I've had clients, and I've advocated for clients, and that was my job description. That advocacy has not endeared me to certain segments."

But she added: "I think that being at Interior is different than advocacy. I actually welcome hearing the discussion on both sides of the issue. I think it's kind of sad now that nationally, it seems like having a fair debate where you discuss the issues on both sides seems to be not how Washington works, but it's going to be how I work."

Interior said in a statement today, "Karen Budd-Falen brings extensive industry experience to the department, and we are excited to have her on our team."

She said she will start at Interior on Nov. 1.

Budd-Falen worked on the Trump administration's Interior transition team in early 2017. For over a year, her name circulated as a front-running contender for the job of Bureau of Land Management director. The

BLM post requires Senate confirmation, unlike the deputy solicitor's job, and Democrats could have held up her potential nomination as they have stymied other Interior nominees.

Interior sources said the agency and the White House decided against nominating Budd-Falen for BLM because she has had numerous legal clashes with the agency over the years and was unlikely to be confirmed.

Her potential nomination to lead the bureau was a major source of consternation among BLM employees, several sources said.

One former senior BLM official referenced a landmark case in which she attempted to sue individual BLM employees under the Racketeer Influenced and Corrupt Organizations Act, or RICO ([Greenwire](#), June 16, 2017).

The Supreme Court rejected that challenge.

Budd-Falen told E&E News last year that those legal challenges are water under the bridge and that if she were confirmed as BLM director, her tenure would be guided by Interior Secretary Ryan Zinke's vision for the agency ([Greenwire](#), Oct. 6, 2017).

BLM employees "were much relieved she will not become the director of BLM," a former senior bureau official said.

Budd-Falen told E&E News today that she decided against the further pursuit of the BLM director position after White House ethics officials told her she would have to sell her fifth-generation family ranch in Big Piney, Wyo., because, she said, it would be viewed as a potential conflict of interest if she made any decision, even general ones, that benefited ranchers.

She said she and her husband, Frank Falen, also a lawyer, were "willing to make lots of changes" to their law practice in order for her to become BLM director. But selling her ranch, she said, "was a ridiculous bridge too far."

Vacancies

The Senate-confirmed post of Interior solicitor remains vacant, following the withdrawal of nominee Ryan Nelson last May and his nomination to the 9th U.S. Circuit Court of Appeals ([Greenwire](#), May 10).

The Senate confirmed Nelson to the appellate judge position last Friday.

In the absence of a confirmed solicitor, deputies are making the kind of legal calls that underscore the power of Interior lawyers to shape outcomes.

Last December, for instance, Interior's Office of the Solicitor issued a new legal opinion that shields from prosecution energy companies and others that unintentionally take migratory birds.

In the legal reversal, Interior's top attorneys reinterpreted the Migratory Bird Treaty Act as covering only the intentional taking of a bird. That interpretation is narrower than the Obama administration's reading, which extended coverage to incidental results, and is now being challenged in court ([Greenwire](#), Sept. 6).

Budd-Falen told E&E News that she will draw on her 30 years of legal experience, but will not be "creating policy."

"What I'm doing is going to say, 'Here's the case law; here are the statutes for the policymakers to consider,'" she said.

Budd-Falen served three years in the Reagan administration's Interior Department as a special assistant to the assistant secretary for land and minerals management. She also worked as an attorney at the Mountain States Legal Foundation, a conservative public interest group in Denver.

As Budd-Falen said, that history has earned her lots of critics.

A senior Interior Department official who asked not to be identified was "disappointed but not surprised" by Budd-Falen's appointment.

"I was just shocked that she was being considered at all for anything," the source said. "I've just not heard anything good about her."

Conservation groups bashed the appointment, noting her legal record.

Nada Culver, a senior counsel and director of the Wilderness Society's BLM Action Center in Denver, said Budd-Falen's "attempt to place an exaggerated version of private property rights over the public interest and her support of anti-public-lands extremists like the Bundys ... calls into serious question whether she can be trusted to apply the law on behalf of the Department of the Interior."

Bundy connection

Critics often associate Budd-Falen with Cliven Bundy, the Nevada rancher whose more than \$1 million in unpaid livestock grazing fees prompted an armed standoff in 2014 with federal agents.

But she said in the E&E News interview last year that the only time she had any interaction with Bundy was in the late 1980s, when she represented a group of ranchers, including Bundy, that appealed a

federal decision to remove them from grazing allotments after the Mojave desert tortoise was designated as an endangered species.

"I have not talked to him since," she said.

She was, however, critical of the federal government's 2014 decision to send armed federal agents to seize Bundy's cattle and remove them from federal lands.

"The Cliven Bundy situation goes to show how American citizens react when a government has so expanded that it believes that the citizens are subservient to political power," Budd-Falen told the conservative website The Daily Caller in a 2014 interview.

But there are those who defend her, saying critics have mischaracterized her and her views on public lands.

"I've worked with Karen and found her to be a sharp, thoughtful advocate that knows firsthand how federal overreach and abusive environmental litigation impacts farmers, ranchers and rural communities," said Kent Holsinger, a Denver natural resources attorney who has represented the energy and agricultural industries in litigation involving the greater sage grouse and other species.

"Coming from a Wyoming ranching family, she'll no doubt be a zealous advocate for good stewardship and environmental protection to the letter of the law," he added.

Meghan Conklin
Policy Advisor
Senator Chris Van Hollen (D-MD)
Meghan_Conklin@VanHollen.Senate.Gov (email)

From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: [EXTERNAL] Good News for West Virginia
Date: Saturday, August 4, 2018 8:54:52 AM



Friends,

Yesterday, we received more good news regarding jobs and the economy. According to the U.S. Department of Labor's latest jobs report, the U.S. economy added 157,000 jobs last month, and our unemployment rate dropped to 3.9 percent. This is a common trend under the leadership of President Trump and the Republican-led Congress. In fact, in West Virginia, our unemployment has been lower every single month during the Trump administration than it was during any month of President Obama's eight years in office.

As our economy continues to improve, it's important that our workforce has the knowledge and skills necessary to take advantage of all these new opportunities. That's why Congress passed and the president signed into law the *Strengthening Career and Technical Education for the 21st Century Act*, which will help improve career education and workforce development. Learn more about [this news](#) by clicking [here](#) or the image below, and keep scrolling for more exciting updates from this week in the Senate.



Continuing to Provide Resources for WV Priorities

This week, the Republican-led Congress continued to do the people's work by debating and passing government funding legislation that makes critical investments in many national priorities. And even better news: The minibus appropriations legislation we passed this week includes significant resources for a wide range of priorities that are important to West Virginians and will go a long way in helping to meet numerous needs in the state.

From driving economic growth and development and cutting regulatory red tape to improving rural broadband access and fighting the opioid epidemic, this legislation will help support programs and projects that can improve the lives of families and individuals across the Mountain State. Read my full statement about the progress we made this week, and learn more about the West Virginia highlights included in the bill [here](#). In case you missed it last week, click [here](#) or the image below for a video of remarks I made on the Senate floor to highlight many of the West Virginia priorities in the bill.



Supporting Our Next Supreme Court Justice

A few weeks ago, I told you about my meetings with Judge Kavanaugh, President Trump's nominee to be our next U.S. Supreme Court justice. As a senator, I take my responsibility to evaluate presidential nominees very seriously. That is especially true

when it comes to a nominee to our nation's highest court. When I consider a Supreme Court nominee, I don't look for a person who promises a particular policy outcome or someone who is out to actually create laws. Instead, I look for a person whose record reflects experience, fairness, and respect for the Constitution as it is written. After meeting with Judge Kavanaugh, it's clear to me that he holds this same philosophy.

As the confirmation process for Judge Kavanaugh continues, I look forward to remaining engaged and supportive of him, and I urge my colleagues to set aside partisan rhetoric, stop the political theatrics, and do the same. Read more about why I'm supporting Judge Kavanaugh in a recent op-ed I penned for *The Intelligencer* / *Wheeling News-Register* and other Ogden publications [here](#).



Senator Capito meets with Judge Kavanaugh in her office following his nomination.

Helping to Deliver Assistance to State Efforts

Making sure our West Virginia communities, businesses, and programs have the resources they need to succeed is important. As a leader on the Senate Appropriations Committee, I've worked hard to advocate for West Virginia priorities when it comes to federal funding. This week, I was proud to announce several grants that will help communities and programs across the state. Learn more about each one below:

- [\\$2,900,000 for the Cowen Public Service District.](#)
- [\\$2,773,296 for various health care programs across the state.](#)
- [\\$1,278,441 for health information systems and research.](#)
- [\\$1,084,025 for Early Head Start programs for Raleigh County.](#)
- [\\$846,829 for airport enhancements in three WV counties.](#)
- [\\$400,000 to implement a new agritherapy pilot program.](#)
- [\\$122,429 to support safety efforts at a local volunteer fire department.](#)
- [\\$116,667 to spur economic development in West Virginia communities.](#)

How Can We Help?

Whether you need help with a casework issue or have a question about [scheduling a meeting](#) at one of [my offices](#), my staff and I are ready to assist you. Learn more about the services we offer at www.capito.senate.gov.

In addition to these services, you can also submit your feedback and [share your stories](#) with me by visiting my "Share Your Stories" webpage here: www.capito.senate.gov/ShareYourStories.

Social Media Recap





Join me on [Facebook](#), [Twitter](#), and [Instagram](#) for regular updates and photos.

Sincerely,



Shelley Moore Capito
United States Senator



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From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: [EXTERNAL] Good News!
Date: Saturday, August 25, 2018 10:59:23 AM



Friends,

What a week! After kicking things off with a visit from President Trump and welcoming the administration's proposed Affordable Clean Energy plan announcement, the Senate wrapped up another productive week by passing two additional government funding bills—all developments that West Virginians stand to benefit from. Get a sneak peek at some of this news by clicking [here](#) or the image below, and keep scrolling for more exciting updates from this week in the Senate.



Back Home in West Virginia

Whenever I'm back home in West Virginia, I hear from so many individuals—whether they are small business owners, students, teachers, or community leaders—about how the Republican pro-growth, pro-jobs agenda has improved their lives.

Just last week, I made several stops in Wheeling and Huntington where I heard even more about how West Virginians who are already seeing positive results from the *Tax Cuts and Jobs Act*. Take Warwood Tool in Wheeling for example. During my visit, employees told me that they are planning to create a new line of products thanks, in part, to tax reform. This is real and tangible progress, and Warwood Tool is not alone. I'm hearing similar stories just like this one all across our great state.

In Huntington, I had the chance to host my friend Senator Tim Scott for the day, where we made a number of stops focused on economic development and Opportunity Zones, a federal program that offers tax incentives to promote private investment in economically distressed areas. Opportunity Zones provide another chance for revitalization and growth in our state. Cities like Huntington can really benefit from this provision of the new tax cuts law, and it was exciting to hear about how local leaders plan to attract new investment to the area. Click [here](#) or the image below to catch a glimpse into our visits in Huntington.



Rolling Back Burdensome Regulations

In addition to pro-growth reforms like tax reform, the Trump administration has followed through on its promise to roll back burdensome and misguided regulations. [After leading the charge](#) back in 2015 to nullify the previous administration's so-called Clean Power Plan, I was glad to see the [EPA announce on Tuesday](#) that it is moving forward with the process of reviewing and replacing this misguided and harmful regulation.

The Clean Power Plan was a complete overreach by the federal government. Not only was the one-size-fits-all approach disastrous for West Virginia's coal industry, but

there was also absolutely no consideration for the economic effects the plan would have on an energy-rich state like ours. The proposed replacement plan, known as the Affordable Clean Energy rule, will be a positive change for West Virginia both economically and environmentally. This action is a clear signal to West Virginia and the entire nation that the war on coal is over and a new and improved approach to energy production is underway.

Continuing to Provide Resources for WV Priorities

On Friday, we continued to move forward with the appropriations process by passing the Defense/Labor-HHS government funding legislation. This measure provides critical funding for a variety of important issues—including priorities that range from supporting our servicemen and women and workforce development to advancing Alzheimer's research and maximizing Pell grants for low-income students. It also includes funding I helped secure to combat the opioid epidemic.

Friday's vote is another indication that the Republican-led Congress is restoring regular order to the appropriations process, a more responsible and more effective way to use our limited fiscal resources. Click [here](#) to learn more about how this bill helps West Virginians, and click [here](#) or the image below to hear my remarks on the Senate floor in support of the legislation.



How Can We Help?

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You can also submit your feedback and [share your stories](#) with me by visiting my "Share Your Stories" webpage here: www.capito.senate.gov/ShareYourStories.

Social Media Recap



Join me on [Facebook](#), [Twitter](#), and [Instagram](#) for regular updates and photos.

Sincerely,



Shelley Moore Capito

United States Senator



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From: [Western Caucus](#)
To: benjamin_tugge@fws.gov
Subject: [EXTERNAL] Happy New Year!
Date: Wednesday, January 2, 2019 2:39:19 PM



For Immediate Release
Contact: Emilio Navarrete

Date: January 2, 2018
emilio.navarrete@mail.house.gov

Happy New Year!



The last two years have been exciting and eventful for the Western Caucus. From introducing legislation to modernize the Endangered Species Act to spearheading Congressional Review Act bills that successfully rolled back Obama-era regulations, we have worked hard on behalf of you, the American people. There is still plenty of work to be done and we are excited for what 2019 has in store!

To see our highlights and work from the last two years, visit <https://westerncaucus.house.gov/> and click on the 115th Congress in Review tab at the top.

Also, don't forget to follow us on Facebook, Instagram and Twitter, all of which are linked below.

From all of us at the Western Caucus, we wish you a Happy New Year and a blessed 2019!

As always, you can follow everything Western Caucus on our [Website](#), [Twitter](#), [Facebook](#) and [Instagram](#).



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From: [Senator Shelley Moore Capito](#)
To: wendi_weber@fws.gov
Subject: [EXTERNAL] Have a Minute?
Date: Saturday, September 1, 2018 8:48:28 AM



Friends,

This week, the Senate honored our dear friend and colleague, Senator John McCain. He was a true public servant and leader. Whether in combat overseas or here in Washington, John always had a country-first mentality. I'll always remember meeting him in 2000 when he came to West Virginia to campaign for me, and I will cherish my time serving with him in Congress. John will be missed, but his memory will live on.

As we honored Senator McCain's memory this week, I continued my work for the people of West Virginia—both in Washington and back home. Click [here](#) or the image below and keep scrolling to catch a quick look into some updates from the week.



Securing Our Borders

Protecting and securing our borders is something I have long been committed to, and as chairman of the subcommittee that oversees funding for the Department of Homeland Security, I have an important responsibility when it comes to supporting those efforts. I recently had the chance to travel to the U.S.-Mexico border where I toured several locations in California and Texas. These areas are known to be heavily traveled by illegal immigrants and are access points for human and drug traffickers. I learned a lot on the trip, and it was helpful for me to see the challenges facing the men and women who work hard to keep Americans safe and secure. Learn more about the details of my trip [here](#) and continue scrolling to view a few photo highlights.



Senator Capito meets Lewisburg native, Captain John Driscoll, aboard the U.S. Coast Guard Cutter Bertholf.



Senator Capito visits with Charleston native, Doug Foster, and his family.



Senator Capito views portions of the border wall in need of repair.



Senator Capito meets members of the U.S. Coast Guard.

Honoring a West Virginia Trailblazer

West Virginia has produced some of the best and brightest, and [Katherine Johnson](#) is a perfect example. As a brilliant mathematician, one of Katherine's many accomplishments was her hand calculations that made it possible for Americans to travel to space. That's why [I introduced a bill](#) this week to rename the NASA IV&V facility in Fairmont after Katherine, honoring her important contributions to West Virginia and the entire nation. This week, I caught up with a few local television stations about this news. Click [here](#) or the image below to hear what I had to say.



Keeping Promises

Last week, I told you about the EPA's proposal to roll back the burdensome so-called Clean Power Plan, and I penned an op-ed for *The Wheeling Intelligencer* explaining how the Trump administration's energy plan works for West Virginia. The plan—also known as the Affordable Clean Energy (ACE) rule—allows West Virginia and other energy-rich states to pursue responsible emissions reduction while still providing reliable power at an affordable cost. This rule is long overdue, and more importantly, it finally levels the regulatory playing field for West Virginia's energy economy. Learn more about the ACE rule in my op-ed [here](#).

How Can We Help?

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Social Media Recap



Join me on [Facebook](#), [Twitter](#), and [Instagram](#) for regular updates and photos.

Have a happy and safe Labor Day weekend!

Sincerely,



Shelley Moore Capito
United States Senator



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From: Senator Martin Heinrich
To: benjamin_Tuggle@fws.gov
Subject: [EXTERNAL] I remain focused
Date: Friday, January 4, 2019 8:40:51 AM
Attachments: 91bb9fe5e794d9b65a4eb30c5b1aabe5.png



January 3, 2019

Dear Friend,

Today, as I embark on my second term in the Senate, I'm as committed as ever on delivering for New Mexico. Over the years as your senator, I have traveled to all corners of the state, and it has truly been a pleasure to meet with so many New Mexicans in their communities and discuss the issues that matter most to all of us. I'm grateful that New Mexicans have once again put their trust in me and am humbled by the opportunity to work every day on behalf of our state.



Despite all the political chaos in Washington, I have remained focused on fighting for our national labs and military bases, securing major wins for our growing clean energy economy, defending our public lands, advancing policies that support job creation and opportunity, and helping all families benefit from our growing economy.

My office also helps constituents on a one-on-one basis when they are having trouble with federal agencies, including keeping our promise to our veterans and service members. Last year alone, my staff held Mobile Office Hours events in communities throughout the state and processed over 1,500 individual cases that resulted in over \$2.5 million recovered for New Mexicans. If you or your family needs help, I encourage you to reach out to [my office nearest to you](#).

I will continue to fight every day to make a difference for you. Please [stay in touch](#) with me as we work together to create a better future for New Mexico. You can count on me to stand up for our values, find ways to solve problems, and create greater opportunity in every corner of New Mexico.

Sincerely,



MARTIN HEINRICH
United States Senator

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From: [Hunn, Jocelyn](#)
To: [chris nolin \(chris_nolin@fws.gov\)](#)
Cc: [gary frazer \(gary_frazer@fws.gov\)](#)
Subject: [EXTERNAL] Impact of this amendment
Date: Friday, July 13, 2018 8:02:13 AM
Importance: High

Good Morning,

Mr. Gianforte has offered a late amendment and I would be interested in technical assistance on what challenges it presents to FWS since it deals with new information regarding a species or critical habitat.

SEC. ___. None of the funds made available by this Act may be used to require the Secretary of Agriculture to engage in consultation on new information under the Forest Rangeland Renewable Resources Planning Act of 1974 or any other provision of law and section 402.16 of title 5, Code of Federal Regulations with respect to new information revealed within the meaning of **402.16B of title 50, Code of Federal Regulations** if the land management plan has been adopted by the Secretary as of the date that the new information is revealed and less than 6 years have passed since the date on which the Secretary adopted the land management plan or less than 5 years have passed since the date that new information pertaining to the unit is revealed.

This shall not apply to a requirement of the Secretary to consult with the head of any other Federal department or agency regarding any project carried out, or proposed to be carried out, to implement a land management plan pursuant to Public Law 93-205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of cumulative impacts of completed, ongoing, and planned projects, or with respect to the development of a modification to a land management plan, or an amendment or revision to a land management plan in accordance with paragraph (4) or (5) of subsection (f) of the Forest and Rangeland Renewable 16 Resources Planning Act of 1974.

I looked this section up:

50 CFR 402.16 - Reinitiation of formal consultation.

§ 402.16 Reinitiation of formal consultation.

Reinitiation of formal consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and:

- (a) If the amount or extent of taking specified in the incidental take statement is exceeded;
- (b) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;
- (c) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or
- (d) If a new species is listed or critical habitat designated that may be affected by the identified action.

Can you please get back to me today on your thoughts.

Thank you,

Jocelyn Buck Hunn

U.S. House of Representatives

Committee on Appropriations Democrats

1016 Longworth
202-225-3481

From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: [EXTERNAL] Last Week
Date: Sunday, June 24, 2018 8:47:24 AM



Friends,

From celebrating our state's 155th birthday to working with President Trump to fund critical Homeland Security priorities, I have a lot of updates. Catch a quick glimpse of the action this week by watching my weekly video message [here](#) or by clicking the image below, and keep scrolling to learn more details.



Protecting Our Homeland

As I mentioned in my [weekly video message](#), much of my focus this week was on advancing a Homeland Security funding bill I authored to provide resources for critical national security priorities to keep Americans safe. As chair of the Homeland Security Appropriations Subcommittee, I am proud to say that the [full committee approved](#) the legislation on Thursday, and it now heads to the full Senate for a vote.

On Monday, I met with President Trump in the Oval Office to discuss these funding priorities, as well as our shared vision to secure our borders. There is no question that we are on the same page. In addition to providing resources for a border wall system, our Homeland Security government funding bill will also strengthen cybersecurity, improve efforts to fight the opioid epidemic, deliver state and local grants, and fund other programs to support law enforcement and keep Americans safe. Learn more details [here](#).



Senator Capito chairs an Appropriations subcommittee markup of the FY2019 Homeland Security funding bill.

Connecting West Virginia

Since my first day in the U.S. Senate, improving broadband access for West Virginians has been one of my top priorities. Broadband is critical in today's world. It keeps us connected, helps improve our lives and communities, and can lead to so many new opportunities. Over the past few years, I've been working to bridge the digital divide in a few ways, including working with my colleagues to introduce legislative solutions, raising awareness about the importance of broadband expansion as a co-chair of the Senate Broadband Caucus, and through my Capito Connect plan.

This week, I hosted a [Senate Broadband Caucus event](#) focused on how broadband and technology can help us make a difference in the agriculture industry. And, on Friday, I wrote an [op-ed for the Daily Mail Opinion Page of the Charleston Gazette-Mail](#) about how Capito Connect is really making a difference. While connecting rural America won't happen overnight, continuing the conversation and raising

awareness will help us build on the momentum we've already created.

Find out more about how Capito Connect is making a difference in West Virginia by clicking [here](#).

How Can We Help?

Whether you need help with a casework issue or have a question about [scheduling a meeting](#) at one of [my offices](#), my staff and I are ready to assist you. Learn more about the services we offer at www.capito.senate.gov.

In addition to these services, you can also submit your feedback and [share your stories](#) with me by visiting my "Share Your Stories" webpage here: www.capito.senate.gov/ShareYourStories.

Social Media Recap



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Sincerely,



Shelley Moore Capito
United States Senator



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From: [Western Caucus](#)
To: [benjamin_tuttle@fws.gov](mailto:benjamin_tuggle@fws.gov)
Subject: [EXTERNAL] New Permanent Leadership Imminent at the EPA (01.19.19)
Date: Saturday, January 19, 2019 5:14:32 PM



Week of 01.19.19



Western Caucus Applauds EPA Administrator Andrew Wheeler's Successful Senate Nomination Hearing

On Wednesday, members of the Western Caucus released statements applauding Acting EPA Administrator Andrew Wheeler's successful testimony before the Senate Committee on Environment and Public Works.

[Click here to view](#)



First Western Caucus Foundation Bicameral Policy Staff Breakfast of the 116th Congress

On Friday, Western Caucus staff members met and heard updates from House GOP leadership, Senate Leadership and industry.

[Click here to view](#)



Western Caucus Executive Vice-Chairman Scott Tipton (CO-03) Reintroduced Two Key Water Protection/Property Rights Bills

On Thursday, Western Caucus Executive Vice-Chairman Scott Tipton (CO-03) reintroduced H.R. 579, the Water Rights Protection Act and H.R. 580, the Protection and Transparency for Adjacent Landowners Act.

[Click here to view](#)



New Members of the Western Caucus

This week, we welcomed four new members: Congressman Pete Stauber (MN-08), Congressman Larry Bucshon (IN-08), Congressman James Comer (KY-01) and House Agriculture Committee Chairman Collin

Peterson (MN-07). Welcome to the Western Caucus!



As always, you can follow everything the Western Caucus is working on through our
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From: [Mabry, Elizabeth \(EPW\)](#)
To: john_tanner@ios.doi.gov; margaret_e_everson@fws.gov; shane_hanlon@fws.gov
Subject: [EXTERNAL] North Attleboro National Fish Hatchery
Date: Friday, January 11, 2019 1:02:17 PM

John, Margaret and Shane,

I'm not sure who all is working during the shutdown, so I am sending this to all of you. I have heard some concerns from one of our members that the fish at the North Attleboro National Fish Hatchery are not being properly maintained during the shutdown. My understanding is that the shutdown protocols included proper care for the fish at hatcheries and endangered species in captive breeding programs. Can you confirm the status of this hatchery and that protocols are in place to care for the fish and animals in the Service's care?

Many thanks,

Elizabeth W. Mabry

Minority Professional Staff
Committee on Environment and Public Works
United States Senate
202-224-1958

From: [Western Caucus](#)
To: benjamin_tugge@fws.gov
Subject: [EXTERNAL] President Trump Signs Farm Bill into Law
Date: Thursday, December 20, 2018 3:30:42 PM



For Immediate Release

Contact: Jeff Small

Date: December 20, 2018

jeff.small@mail.house.gov

President Trump Signs Farm Bill into Law



WASHINGTON, D.C.— Today, members of the Congressional Western Caucus released statements following signing of the Farm Bill into law by President Donald J. Trump

Chief Defense and Interior Officer Chris Stewart (UT-02): “Westerners have cause to celebrate the signing of the Farm Bill. Not only did it provide certainty for our farmers, it included many of my priorities that will deliver much needed habitat restoration for sage grouse and mule deer. Restoring western landscapes while mitigating the risk of catastrophic wildfires is a win for everyone.”

Chief Rules Officer Dan Newhouse (WA-04): “Thank you, President Trump, for signing this critical legislation on behalf of Farm Country. The 2018 Farm Bill is a major accomplishment that gives Central Washington farmers and agriculture producers across the country much-needed certainty and a secure safety net.”

Vice Chairman of the House Agriculture Committee Glenn “GT” Thompson (PA-05): “We were able to make significant reforms improving a number of programs, notably the safety net for our dairy farmers our dairy program. Our dairy farmers have continued to face difficult times over the past decade and we look for the law to provide some much needed stability to the sector. Overall, this is a huge win for producers, rural communities, and American consumers.”

Rep. Ralph Abraham (LA-05): “The Farm Bill provides our farmers, ranchers and foresters with stability and the strong safety net that they need to plan for their futures. I’m proud of the work we did to get this bill over the finish line, and I’m glad it is now law.”

Rep. Ron Estes (KS-04): “It was an honor to join President Trump at the White House today as the Farm Bill was signed into law. This law, combined with new work requirements from the Secretary of Agriculture, will provide Kansas farmers and ranchers with needed certainty, make historic investments in rural broadband, and help get people back to work to grow our economy. With the Farm Bill complete, I look forward to continuing to work on new ways to support Kansas agriculture, particularly through free and fair trade deals.”

Rep. Steve King (IA-04): “I couldn’t be happier that President Trump is signing a Farm Bill into law today that meets the immediate needs of rural America. As a member of the House Agriculture Committee, I worked to ensure that this legislation would promote increased foreign trade, provide producers with predictability, support a FMD vaccine bank, preserve funding for biofuel programs, and strengthen rural broadband services. The Farm Bill we crafted accomplishes all of these good things and many more.”

Rep. Tom Emmer (MN-06): “I am proud President Trump joined Congress to put our nation’s farmers first. Today, the President signed into law important programs for our farmers, including my STRESS Act language, improved dairy risk management tools, funded programs to assist beginning farmers, and better improved livestock disease prevention and response mechanisms as part of this year’s Farm Bill. Finally, our farmer’s will get the support they deserve.”

Background:

On Thursday, December 20, 2018, President Donald J. Trump signed into law H.R. 2, the “Agricultural Improvement Act of 2018,” a bill introduced by Western Caucus Member Mike Conaway (TX-11).

A short Committee-drafted highlights page is [here](#). Longer Committee summary [here](#). Messaging & talking points [here](#). Text vis the Conference Report can be found [here](#).

The core of the package is the commodities title, Title I. Regardless of a Member’s ideological stance on subsidy, price guarantee and similar government interventions into a market, the fact remains that these programs, by longstanding Congressional direction, have become an entrenched part of the domestic agricultural market, without which the U.S. agricultural industry would suffer amazing losses. The resulting market voids would be filled by foreign competitors, providing them advantage while diminishing food quality and safety just as our nation’s farmers go out of business.

Similarly, program lapses and overall uncertainty have extremely detrimental effects on this industry, which is under additional pressures due to ongoing trade disputes.

Net farm income for 2018 is already projected to be at the lowest level since 2002, and a 50% drop has taken place over the last five years. This is the largest such drop since the Great Depression, per the House Committee on Agriculture.

On account of the relationship between the provisions of **Title I** and the U.S. agricultural industry, the prudent and responsible action for stability in U.S. food markets and the livelihoods of those in the agricultural industry can only be passage of the Farm Bill.

Title II, the conservation title, could be the strongest conservation title of any Farm Bill for Western Members. Increased funding proposals for the Environmental Quality Incentives Program (EQIP), the

Conservation Reserve Program (CRP), and the Agriculture Conservation Easement Program (ACEP) are contained in the Conference Report – all welcome fiscal adjustments to useful environmental and soil conservation programs. The Conservation Stewardship Program is restructured to provide better incentives for farmers to address local resource concerns; funding for the program is reduced from \$1.8 billion/year to no greater than \$1 billion, with the difference being rerouted to the EQIP, ACEP and the Regional Conservation Partnership Program (RCPP).

The Conference Report provides \$500 million for important conservation infrastructure initiatives that include flood prevention and watershed rehabilitation.

Title II also establishes the Feral Swine Eradication and Control Pilot Program, in order to address the \$1.5 billion in damages associated with these invasive species. The Title provides important revenues for the Voluntary Public Access Program and reauthorizes the Conservation of Private Grazing Land Program.

On balance, the Title provides a smarter allocation of scarce and useful conservation & environmental control resources while improving incentives for such resources to be effectively used as intended.

There is also policy progress along the lines of rural broadband, the opiate crisis, rural development and mental health care access in Title VI. Secretarial authority to make grants for rural broadband is expanded and standards thereof are improved for rural America. As pertains to rural health, the Conference Report increases resources for treatment quality and access and addresses record farmer suicide rates by reestablishing the Farm and Ranch Stress Assistance Network.

Title VII provides important revenues for universities and research. The Conference Report provides new resources to strengthen the land-grant university system.

Title VIII contains forestry provisions which enhance prevention and treatment of catastrophic wildfire. Insect and disease categorical exclusions to standard environmental review are renewed and expanded to expedite the removal of hazardous fuels from forests. Another categorical exclusion is added for federal land plots up to 4,500 acres for purposes of promoting Greater Sage Grouse and Mule Deer habitat. Good Neighbor Authority, whereby the U.S. Forest Service (USFS) may enter into cooperative forest management agreements with other entities, is expanded to authorize the USFS to enter into such agreements with counties and Indian Tribes. This adds several important, new tools to the USFS toolkit, improving their flexibility in addressing specific forest management problems.

Finally, the Title authorizes USFS to establish a privately-funded pilot program for utility infrastructure rights-of-way vegetation management, in which limited vegetation management near electricity infrastructure outside of a right of way can be employed in order to stave off wildfires started by contact between trees or vegetation and power lines.

###

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From: [Finnegan, Kensey \(Murkowski\)](#)
To: cynthia_martinez@fws.gov
Subject: [EXTERNAL] Questions about Neonicotinoids
Date: Friday, September 21, 2018 1:14:16 PM

Hello Cynthia Martinez,

I'm Kensey from Senator Murkowski's office in DC. I am conducting research on Neonicotinoid pesticides and came across a letter dated August 2nd titled: "Withdrawal of memorandum titled, 'Use of agricultural practices in wildlife management in the National Wildlife Refuge System'.

Is this true? I could not confirm it as it wasn't directly on the US Fish and Wildlife website. I just need to verify that the U.S. Fish and Wildlife are reversing the 2014 decision to ban neonicotinoids, using it for further inquiries.

Best Regards,
Kensey Finnegan

From: [Mabry, Elizabeth \(EPW\)](#)
To: [Gustavson, Angela](#)
Cc: [Wendi Weber](#); [Kyla Hastie](#); [Eustis, Christine](#); [Lisa Jones](#); [Hausman, Alyssa](#)
Subject: [EXTERNAL] Re: Information on At-Risk Species Work
Date: Friday, July 6, 2018 2:54:52 PM

Thanks all!

Sent from my iPhone

On Jul 6, 2018, at 2:49 PM, Gustavson, Angela <angela_gustavson@fws.gov> wrote:

Hi Elizabeth,

I hope you're doing well and had a good 4th of July. Thank you for the conference call last week with Regional Director Wendi Weber and Ken Elowe of our Science Applications Division in the Northeast Region. Per your request we are providing you with some additional information.

We have developed a new website - <https://www.fws.gov/at-risk/> - where we are telling stories of our work with partners to proactively work together to preclude the need to list species or to use regulatory flexibilities that exist within the Endangered Species Act to recover listed species. The site primarily features information from our Northeast and Southeast Regions at this time, and we are working with colleagues across the country to expand the stories.

From this website you can reach a fact sheet that our Northeast and Southeast Regions have been using to communicate with key audiences about this effort: <https://www.fws.gov/southeast/pdf/fact-sheet/at-risk-species-wildlife-wins.pdf>.

I've also included below some additional blog posts and media stories about this kind of work that you might find helpful.

Please let us know if we can provide any additional information.

Angela

Conservation of the At-Risk Gopher Tortoise: The gopher tortoise, considered an at-risk candidate for federal protection in Georgia, Florida and parts of Alabama and South Carolina, has become [the face of unprecedented collaboration](#) among government agencies, NGOs and the private sector. Their shared goal is to act now with hopes that the tortoise may not need Endangered Species Act protection. The state of Georgia is heading up the effort, with federal, state and private partners pulling together \$150 million to make it happen. The initiative includes habitat restoration, monitoring and land protection, among other activities. [National Public Radio recently featured this work.](#)

Military Partnerships Conserve At-Risk and Listed Species: The military manages some of the largest chunks of intact wildlife habitat across the eastern U.S. Our armed forces are putting those areas to work for at-risk and listed species that benefit from their training activities and the watchful eyes of their on-

site natural resources experts. News coverage has [highlighted Eastern U.S. & Midwest installations conserving the at-risk frosted elfin butterfly](#), whose habitat relies on the prescribed fire that aligns with training needs. Other coverage [centered on Virginia's largest military installation](#), where the Army is recovering listed plants and animals and, most recently, their protection of freshwater springs made it unnecessary to list one of the species that live there. Last, in Alabama, Florida, Georgia and South Carolina, the Department of Defense is [making proactive investments in at-risk gopher tortoise conservation](#)—a step that will, if the tortoise is listed, allow the military to continue its mission without new conservation requirements.

Canada Lynx Review: The Service recently [concluded](#) that the Canada lynx may no longer warrant protection under the ESA and should be considered for delisting due to recovery. This recommendation is the result of almost 20 years of partnerships with state, federal, tribal, industry and other land managers on the conservation of this species. Maine, home to the largest lynx population in the lower 48, has become a leader in collaborative private forest conservation, with private forest landowners voluntarily supporting working woodland easements protecting nearly 2.5 million acres of forest, benefitting the Canada lynx and other species. [Learn more about partnerships in Maine supporting the recovery of the Comeback Cat.](#)

Southern Appalachian Partnership: Meet four women who are at the helm of the effort to return spruce forests to the southern Appalachia. Hailing from non-profits, state and federal agencies, the group aims to help the endangered Carolina northern flying squirrel and other rare wildlife. [Read the story.](#)

Nature's Good Neighbors: The San Fernando Valley spineflower, a tiny plant once believed to be extinct, has a promising future thanks to support from Southern California developer FivePoint Holdings, LLC. In creating a master-planned community comprising 21,500 homes, the company incorporated candidate conservation agreements and "spineflower whisperers" that helped the Service to ultimately withdraw a proposed listing for the species. [Check out this story](#), part of our national [Nature's Good Neighbors campaign](#).

[In this campaign](#) you can also meet rancher David Spicer who, in his effort to revitalize a former mining town in Nevada, has also helped out the at-risk Amargosa toad. His ranch is home to habitat restoration, Tough Mudder races, Boy Scouts of America retreats and mountain bike trails. His nonprofit, Saving Toads thru Off-Road Racing, Ranching and Mining in Oasis Valley, takes this collaborative approach to the entire toad's range.

At-Risk Chesapeake logperch: Amish and Mennonite farmers in Lancaster, Pennsylvania, play a key role in conserving the at-risk Chesapeake logperch, a

species that faces potential federal protection. The Service, along with Trout Unlimited, state agencies and others, is working to restore the streams where this darter remains. Read our [blog post](#) and a [column](#) in the local paper.

Angela Gustavson
Deputy Chief
Division of Congressional and Legislative Affairs
U.S. Fish and Wildlife Service
Office: 703-358-2253
Mobile: 202-909-5105
angela_gustavson@fws.gov

From: [Watts, John \(Feinstein\)](#)
To: [Paul Souza](#)
Subject: [EXTERNAL] RE: Thursday Morning
Date: Friday, October 26, 2018 2:14:34 PM
Attachments: [Buchanan et al-2018-North American Journal of Fisheries Management.pdf](#)
[new science and ie ratio Sep2018.pptx](#)

Paul,

Excellent to see you yesterday, as always. I truly wish you godspeed on the major challenges you are tackling.

I have included links to a few of the science pieces I mentioned: below is the Peter Moyle blog on restoring San Joaquin salmon, which I would read first; attached is the Buchanan article writing up the six years of acoustic telemetry studies that Moyle mentions; and also attached is an analysis of some of the new science related to the i/e ratio.

<https://californiawaterblog.com/2018/08/21/science-the-delta-and-the-future-of-san-joaquin-salmon/>

Also, when you get a chance, can you call me to touch base on one other topic? Not urgent, but whenever It is convenient for you, either at ^{(b) (6)} during the day or at ^{(b) (6)} evening or weekend.

Best,

John

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Friday, October 19, 2018 5:31 PM
To: Watts, John (Feinstein) <John_Watts@feinstein.senate.gov>
Subject: Thursday Morning

John,

I'll be in DC on Thursday and could come by and catch up. How does 9:30 am look?

Thanks,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell

<https://www.fws.gov/cno>

ARTICLE

Survival of Juvenile Fall-Run Chinook Salmon through the San Joaquin River Delta, California, 2010–2015

Rebecca A. Buchanan*

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Patricia L. Brandes

U.S. Fish and Wildlife Service, 850 South Gild Avenue, Suite 105, Lodi, California 95240, USA

John R. Skalski

School of Aquatic and Fishery Sciences, University of Washington, 1325 Fourth Avenue, Suite 1515, Seattle, Washington 98101-2540, USA

Abstract

Survival of juvenile fall-run Chinook Salmon *Oncorhynchus tshawytscha* through the San Joaquin River Delta of California (hereafter, “Delta”) has been low for most estimates since 2002 and has been consistently low since 2010. From 2010 through 2015, annual estimates of the probability of surviving through the Delta (from Mossdale to Chipps Island, approximately 92 river kilometers) ranged from 0 to 0.05, based on acoustic-telemetry data from smolt-sized hatchery Chinook Salmon. River conditions were poor in most of these years; average daily river discharge into the Delta from the San Joaquin River was $<40 \text{ m}^3/\text{s}$ in four of the six study years. In the high flow year of 2011 (average daily river discharge = $278\ 308 \text{ m}^3/\text{s}$), the juvenile survival probability through the Delta was estimated at only 0.02 (SE < 0.01), suggesting increased flows alone will not be sufficient to resolve the low survival through the Delta. The low survival in this short portion of the salmon’s life history makes achieving a minimal smolt-to-adult ratio of $\geq 2\%$ nearly impossible for this fish stock. Over half of the fish surviving through the Delta during 6 years of study were salvaged at the Central Valley Project’s water export facility and transported for release just upstream of Chipps Island.

Historically, the Central Valley of California has hosted one of the most diverse populations of Chinook Salmon *Oncorhynchus tshawytscha*. This population has four distinct runs, and the adults return during every month of the year to spawn in every accessible stream (Yoshiyama et al. 1998). The winter and late-fall runs were restricted to the Sacramento River basin, while the fall and spring runs were present throughout both the Sacramento and the San Joaquin River basins (Yoshiyama et al. 1998). Both river basins drain into the California Delta, and

eventually into the San Francisco Bay. The largest of these runs is the fall run, which forms the basis of the California and southern Oregon ocean salmon fishery (Williams 2006). The Central Valley’s fall-run (FR) Chinook Salmon population consists predominantly of hatchery-reared fish from the Sacramento River basin (Williams 2006; Barnett-Johnson et al. 2007). However, the San Joaquin River basin has two FR Chinook Salmon hatcheries on the Merced River and Mokelumne River, and both basins produce naturally reared fish. Although naturally

*Corresponding author: rabuchan@uw.edu

Received July 14, 2017; accepted March 10, 2018

produced FR Chinook Salmon in the San Joaquin River basin have been restricted to the tributaries since the 1940s (Fisher 1994), there is currently an effort to return a self-sustaining population to the San Joaquin River main stem (www.restoresjr.net).

Central Valley FR Chinook Salmon have been listed as a “species of concern” by NOAA Fisheries (NOAA 2010), and in 2008 and 2009, low anticipated adult returns resulted in closure of the ocean fishery south of Cape Falcon, Oregon (NOAA 2008, 2009). Efforts to understand the causes of low survival of FR Chinook Salmon have included measuring juvenile survival through the California Delta, which forms the tidally influenced freshwater portion of the San Francisco estuary (Figure 1). Early coded wire tag studies from 1994 to 2006 provided monitoring of Chinook Salmon survival through the California Delta to Jersey Point for stocks originating in the San Joaquin basin (Brandes and McLain 2001; SJRGA 2007, 2013). Partly in response to low adult returns of FR Chinook Salmon in the mid-2000s, researchers switched to acoustic telemetry because of the smaller sample sizes required and the ability to provide more detailed spatial and temporal information on salmon migration through the California Delta. Acoustic-telemetry studies of juvenile hatchery-reared FR Chinook Salmon in the San Joaquin Delta were implemented starting in 2006 as part of the

multiyear Vernalis Adaptive Management Plan (VAMP) and continued after the VAMP study ended in 2011 (SJRGA 2013). We present survival results from 6 years of acoustic telemetry studies from 2010 through 2015 and discuss ramifications of the consistently low passage survival through the San Joaquin Delta.

METHODS

Study Area

The Sacramento San Joaquin Delta (hereafter, “Delta”) is an area of nearly 3,000 km² located in the Central Valley of California. It extends from the city of Sacramento on the Sacramento River, and the area near Mossdale Bridge on the San Joaquin River, downstream to the confluence of the Sacramento River and San Joaquin River at the entrance to Suisun Bay at river kilometer (rkm) 64, measured from the Golden Gate Bridge at the exit of the San Francisco Bay (Figure 1). For the purpose of this paper, we use the term “Delta” to refer to the portion of the overall Sacramento San Joaquin estuary that is dominated by the San Joaquin River as it approaches Suisun Bay from the east and south (Figure 1). The Delta is a complex network of natural rivers, natural or artificial cuts, islands, and levees and contains some of California’s most fertile

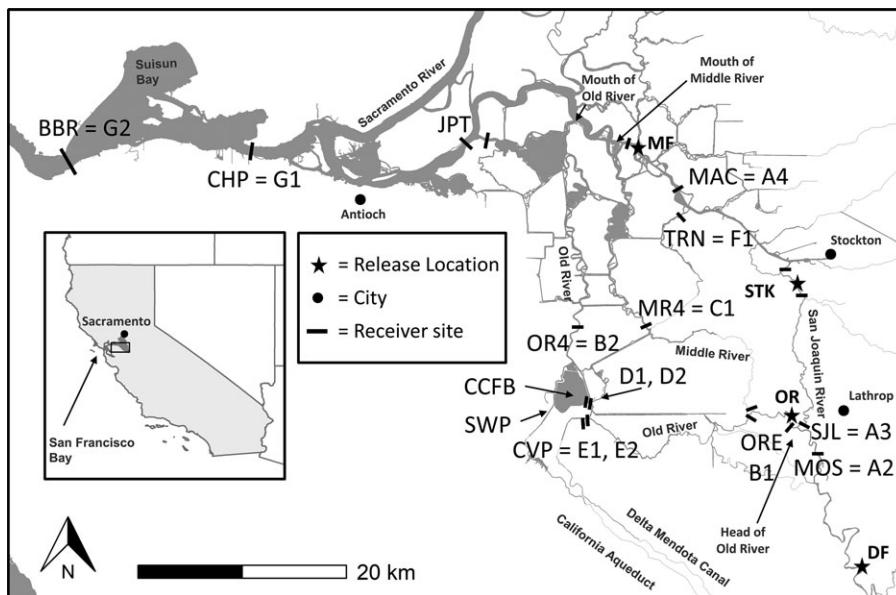


FIGURE 1. The portion of the Sacramento San Joaquin River delta that was studied, including acoustic telemetry receiver sites common to the 2010 2015 studies and key receiver sites added in later years. Inset shows the state of California (light shading) and the Delta and San Francisco Bay (dark shading); detailed area is marked with a rectangle. The study area extended from Mossdale (MOS) to Chippis Island (CHP). Acoustic tagged Chinook Salmon were released at Durham Ferry (DF), Old River (OR), and Stockton (STK) in 2010, DF in 2011–2014, and DF and Medford Island (MF) in 2015. Key sites are DF, MOS, and CHP. Receiver sites with alphanumeric codes (e.g., A2) are used in the model schematic in Figure 2. Site Jersey Point (JPT) was added in 2011. Site Benicia Bridge (BBR) (G2) was added in 2014. Water export facilities are CVP and SWP; CCFB = Clinton Court Forebay. Highway 4 receivers are designated OR4 and MR4. The CHP site used a dual array of receivers.

agricultural land. The San Joaquin River skirts the majority of the Delta to the east. The Old River originates (rkm 170) from the San Joaquin River downstream from Mossdale Bridge and moves west and north near the western edge of the Delta until it reconnects with the San Joaquin River (rkm 122) upstream from the confluence with the Sacramento River. The Middle River originates (rkm 158) from the Old River in the south and moves north until it connects with the San Joaquin River (rkm 126) just upstream from the confluence of the San Joaquin and Old rivers (Figure 1).

The region of focus in this paper extends from just downstream of the Mossdale Bridge (Mossdale; rkm 174), located on the San Joaquin River approximately 3.8 rkm upstream from where the Old River leaves west from the San Joaquin River (hereafter, “head of Old River”), to Chipps Island (rkm 77), which is legally considered the downstream boundary of the Delta and is located near the entrance to Suisun Bay (Figure 1). Within this study area are several routes that fish may take to get from Mossdale to Chipps Island. The simplest (approximately 92 km) is to remain in the San Joaquin River throughout the Delta, passing the city of Stockton, MacDonald and Medford islands, and Jersey Point. An alternative route (hereafter, “Old River route”) is to leave the San Joaquin River at the head of Old River. Fish using this route may either move through the interior Delta via the Old and Middle rivers until they rejoin the San Joaquin River just upstream from Jersey Point or enter one of two water export facilities, where Delta water is actively pumped for export to water users in central and southern California. The entrances to these facilities are located in the southwestern region of the Delta off the Old River. The Central Valley Project (CVP) is located approximately 2 rkm south of the State Water Project (SWP), which is accessed via the Clifton Court Forebay reservoir. Fish that enter these facilities are captured and considered “salvaged”; salvaged fish are then transported by truck to the northwestern Delta and released into the San Joaquin River or

Sacramento River approximately 20 rkm upstream from Chipps Island. Fish that remain in the San Joaquin River past the head of Old River (hereafter, “San Joaquin River route”) may either remain in the San Joaquin River all the way to Chipps Island or they may leave the San Joaquin River for the interior Delta at various points downstream, including at Turner Cut, Columbia Cut, and the Middle River mouth. Once fish enter the interior Delta, they may move to Chipps Island either in the river (i.e., swimming through Delta waters) or by salvage and trucking from one of the export facilities. Survival was monitored through both the Old and San Joaquin River routes. Additionally, survival was monitored through the region that extended from Mossdale to the Turner Cut junction in the San Joaquin River route (37 rkm) and to the water export facilities or Highway 4 in the Old River route (29 to 38 rkm) (hereafter, “southern Delta”).

Tagging, Fish Health, and Release Methods

Juvenile FR Chinook Salmon used in these annual studies came from either the Merced River Fish Hatchery (2010–2013) or the Mokelumne River Fish Hatchery (2014, 2015) (Table 1). All fish were surgically implanted with microacoustic tags. The 2010 and 2011 studies used the Hydroacoustic Technology, Inc. (HTI) Model 795 microacoustic tag (HTI, Seattle; diameter = 6.7 mm, length = 16.3–16.4 mm, average weight in air = 0.65 g); each HTI tag transmitted a pulse every 4–11 s, depending on the unique settings of the tag. The 2012 and 2013 studies used the VEMCO V5-180 kHz tag (VEMCO, Bedford, Nova Scotia; width = 5.6 mm, length = 12.7 mm, average weight in air = 0.66–0.67 g), and the 2014 and 2015 studies used the VEMCO V4-180 kHz tag (width = 5.7 mm, length = 11.0 mm, averaged weight in air = 0.41–0.42 g). The VEMCO tags transmitted the tag identification codes every 25–35 s.

In each study year, between two and seven groups of 133–647 juvenile Chinook Salmon each were tagged and released in April, May, or June; total sample sizes each year

TABLE 1. Release year, hatchery source of study fish, sample size (*N*), release dates, mean (range) FL at tagging, transmitter type (manufacturer and model), mean (range) tag burden (tag weight/fish weight), and mean estimated tag life (SE; days) for release groups of juvenile Chinook Salmon smolts used in the 2010–2015 South Delta tagging studies.

Year	Hatchery	<i>N</i>	Release dates	FL (mm)	Tag type	Tag burden (%)	Tag life (d)
2010	Merced	993	April 27–May 20	110 (99–121)	HTI 795 Lm	4.2 (2.8–5.8)	27.3 (7.8)
2011	Merced	1,895	May 17–June 19	111 (94–140)	HTI 795 Lm	4.1 (2.0–6.5)	28.8 (6.7)
2012	Merced	959	May 2–May 22	113 (100–135)	VEMCO V5	3.8 (2.0–5.4)	41.7 (7.5)
2013	Merced	950	May 1–May 19	115 (101–135)	VEMCO V5	3.8 (2.4–5.2)	50.6 (8.6)
2014	Mokelumne	1,918	April 16–May 19	98 (80–119)	VEMCO V4	3.8 (2.0–5.4)	48.9 (10.4) ^a
2015	Mokelumne	1,290	April 15–May 2	98 (83–119)	VEMCO V4	3.7 (1.9–4.8)	40.2 (5.5)

^aResults are given for the May 2014 tag-life study. Mean estimated tag life for the April 2014 tag-life study was 12.4 d (SE = 4.7).

ranged from 950 to 1,918 (Table 1). The tagging team included three to four surgeons each year; all surgeons received either new-surgeon training or refresher training annually. The average FL at tagging ranged between 98 and 115 mm across years and was highest for 2012 and 2013 and lowest for 2014 and 2015 (Table 1). Tag burden (i.e., the ratio of tag weight to body weight) averaged between 3.7% and 4.2% each year (Table 1). Tag burdens \geq 5% body weight occurred in 4% to 11% of the fish released in the 2010–2012 studies and in 0 to 1.3% of the fish released in the 2013–2015 studies. The maximum tag burden (6.5%) was observed in 2011 (Table 1); no more than 2% of fish in any year had a tag burden $>$ 5.4%.

Tagging was performed at the Tracy Fish Collection Facility in 2010–2012, located at the CVP approximately 40 km by truck from the primary release site (Durham Ferry), at Merced River Hatchery in 2013, and at Mokelumne River Hatchery in 2014 and 2015. The Merced River Hatchery and Mokelumne River Hatchery are located on the Merced and Mokelumne rivers approximately 100 km and 80 km from Durham Ferry, respectively. In 2010–2013, fish were anesthetized in a 70-mg/L solution of tricaine methanesulfonate (MS-222), buffered with sodium bicarbonate; in 2014 and 2015, a 0.03% solution of AQUI-S 20E was used as an anesthetic. Tagging procedures followed those outlined in Adams et al. (1998) and Martinelli et al. (1998) in 2010–2012 and were updated to the standard operating procedures outlined in Liedtke et al. (2012) in 2013–2015. After surgery, fish were transported to the release site in trucks outfitted with tanks designed for dissolved oxygen control and structural stability during transport. A maximum temperature differential between the transport tank and the river water of 5°C was targeted by adding nonchlorinated ice to transport tanks or tempering fish after arrival at the release site (Wedemeyer 1996; Iwama et al. 1997).

In 2011–2014, all fish were released in the San Joaquin River at Durham Ferry, located approximately 21 rkm upstream from Mossdale and 113 rkm from Chippis Island (Figure 1). The release site was located upstream of the study area boundary (Mossdale) to allow fish to become distributed naturally in the river, recover from stress associated with handling and release, and express any handling effects before entering the study area. In 2010, fish were released at Durham Ferry and paired with supplemental releases in upper Old River and in the San Joaquin River near the city of Stockton (Table 2). In 2015, the April release group was released at Durham Ferry, and the May release group was split between Durham Ferry and a release site in the San Joaquin River near Medford Island (50 rkm upstream from Chippis Island).

At the release site, fish were held in the river for approximately 24 h in submerged, 19-L, perforated garbage cans to allow them to acclimate to the river water and recover from

TABLE 2. Site abbreviations, types, and locations in river kilometers (rkm) measured from the Golden Gate Bridge at the mouth of San Francisco Bay. Distances to sites on the San Joaquin River are measured along the main stem of the river.

Site	Site type	Description	rkm
DF	Primary release site	Durham Ferry	195
STK	Release site	Stockton	151
OR	Release site	Old River	164
MF	Release site	Medford Island	128
MOS	Receiver site	Mossdale	174
SJL	Receiver site	San Joaquin at Lathrop	170
ORE	Receiver site	Old River near head	164
TRN	Receiver site	Turner Cut	138
MAC	Receiver site	MacDonald Island	134
CVP	Receiver site, water export facility	Central Valley Project	144
SWP	Receiver site, water export facility	State Water Project	142
OR4	Receiver site	Old River at Highway 4	134
MR4	Receiver site	Middle River at Highway 4	137
JPT	Receiver site	Jersey Point	103
CHP	Receiver site	Chippis Island	77
BBR	Receiver site	Benicia Bridge	57

surgery. The exception was in 2015, when fish released at Medford Island were held at the hatchery for 24 h after surgery rather than at the release site. A total of four tagged Chinook Salmon died during transport or during holding in the river before release in 2010–2014 (0.06% of those transported). In 2015, two fish (0.15%) died during transport and 12 fish (0.92%) died during holding before release at Durham Ferry. Most of those mortalities in 2015 occurred in late April and early May, when river temperatures were especially high (21.9°C to 24.7°C at the beginning of the holding period). Prerelease mortalities were removed from the release groups and from data analysis. An exception was in 2015, when the tag could not be recovered from five of the prerelease mortalities; however, because the study area began approximately 21 rkm downstream from the release site, those unknown mortalities did not bias Delta survival estimates.

Each year, between 119 and 227 fish were tagged with inactive tags (i.e., dummy tags) and transported to the release site using identical procedures as the active-tagged fish, held for 48 h at the release site, and then examined for mortality and condition. In 2015, dummy-tagged fish associated with the Medford Island release were held for 24 h at the tagging facility before being transported and assessed at the release site. Of the total number of

dummy-tagged fish transported and held, 30 to 90 control fish were examined each year for pathogens, physiological condition, and surgical complications (i.e., loose sutures, open or partially closed incisions, and minor to severe inflammation) in a fish health study performed by the U.S. Fish and Wildlife Service, California Nevada Fish Health Center; 60 to 154 additional untagged control fish were examined for fish health at the hatchery in 2010 and 2011. The fish health assessments occurred after fish were held 29–32 d in 2011, after 72 h in 2015, and immediately after the 48-h holding period in all other years. In addition, tag retention studies in 2012–2015 held between 39 and 75 dummy-tagged fish for 5 to 33 d for an assessment of long-term mortality and tag retention. Fish in the tag retention study were examined for mortality and tag loss at day 5 (in 2012) and days 30–33 (2012, 2014, and 2015). In 2014 and 2015, 75 untagged fish were also held for mortality controls and examined at days 31–33. Tag-retention fish and untagged fish were held in 2013 as well, but faulty mortality reporting made results unusable.

For each study year, in-tank studies were performed to measure the failure rate of the tags used in the study. Between 50 and 102 tags were sampled across manufacturing lots each year using either systematic or stratified random sampling. Tag-life studies typically began several weeks after tagged fish were released to the river. Tank water temperature was maintained with chillers in 2010 (average = 17°C) and with river water pumped from Old River in 2011–2015 to maintain temperatures similar to the Delta environment when tagged fish were migrating.

Acoustic Hydrophone and Receiver Placement

Between 38 and 166 acoustic hydrophones and their associated receivers were deployed at 22 to 43 locations throughout the San Joaquin River and Delta for the 2010–2015 studies. Each hydrophone was connected to a receiver or data logger (receiver) that either stored data for download or connected remotely to online data storage. In 2010 and 2011, HTI technology (receiver models 290 ATR, 291 ATR; data logger models 295-X, 295-I; hydrophone model 590; operating frequency 307 kHz) was used, and VEMCO technology (receiver models VR2W, VR2C, and HR1; 180 kHz; hydrophone was embedded in the receiver) was used in 2012–2015. Each receiver location was composed of 1 to 18 hydrophones to achieve complete coverage of the river channel. Hydrophone spacing across the river channel was based on range tests; at Chipps Island, HTI hydrophone spacing was approximately 150 to 300 m, and VEMCO receiver spacing was approximately 100 to 150 m.

Receiver locations throughout the Delta were determined by the possible routes of juvenile salmon passage and the requirements of the multistate release/recapture model to distinguish and estimate movement, survival, and detection processes (described below). Although the

technology changed from HTI to VEMCO in 2012 and additional receivers were installed in new locations in later years, the locations of the key receivers remained constant (Figure 1; Table 2). At a minimum, receivers at Mossdale and a dual line of receivers (i.e., dual array) at Chipps Island were required to estimate survival through the Delta from Mossdale to Chipps Island. Additional receiver locations provided estimation of route selection, route-specific survival, and survival in key river reaches (e.g., past the city of Stockton). Dual arrays were placed in both branches downstream from key river distributary points (junctions), in particular the head of Old River (San Joaquin at Lathrop, Old River near head) and Turner Cut (MacDonald Island, Turner Cut) off the San Joaquin River (Figure 1; Table 2). Receivers were also installed at the trash racks and in the holding tank at the CVP water export facility and at the entrance to the Clifton Court Forebay outside the SWP. The Chipps Island receivers were located approximately 20 rkm downstream from the postsalvage release locations for fish that were recovered and trucked from the water export facilities, ensuring that all surviving migrants were required to pass the Chipps Island receivers. Starting in 2011, receivers were placed in the San Joaquin River at Jersey Point, located 26 rkm upstream from Chipps Island; Jersey Point had been used as the downstream survival point in 20 years of coded wire tag studies (Brandes and McLain 2001; SJRGA 2013). In 2014 and 2015, receivers were installed at Benicia Bridge (BBR), 19 rkm downstream from Chipps Island, to provide better estimates of detection probabilities at Chipps Island (Figure 1; Table 2).

Statistical Methods

Data processing and analysis. The raw detection data were processed into detection events for each tag by the U.S. Geological Survey (USGS) lab in Cook, Washington, for the 2010 and 2011 studies, and by the USGS lab in Sacramento for the 2012–2015 studies. The processed detection event data were transferred to the University of Washington, Seattle, where the data were further processed into chronological detection histories identifying the receivers and dates where each tag was detected. Although the study fish were expected to be migrating and therefore to be moving consistently in a downstream (seaward) direction, the tidal nature of the Delta environment means that migrating fish may move upstream temporarily on reverse flows. If such flows expose them to river junctions multiple times, their final route selection may differ from their initial selection at the junction (Perry et al. 2010). Thus, detection histories used the final pass of the tag past a detection site or junction to best represent the fate of the fish.

The possibility of a predatory fish eating a tagged study fish and then passing a receiver with the still active acoustic tag in its gut raised the potential for biased survival

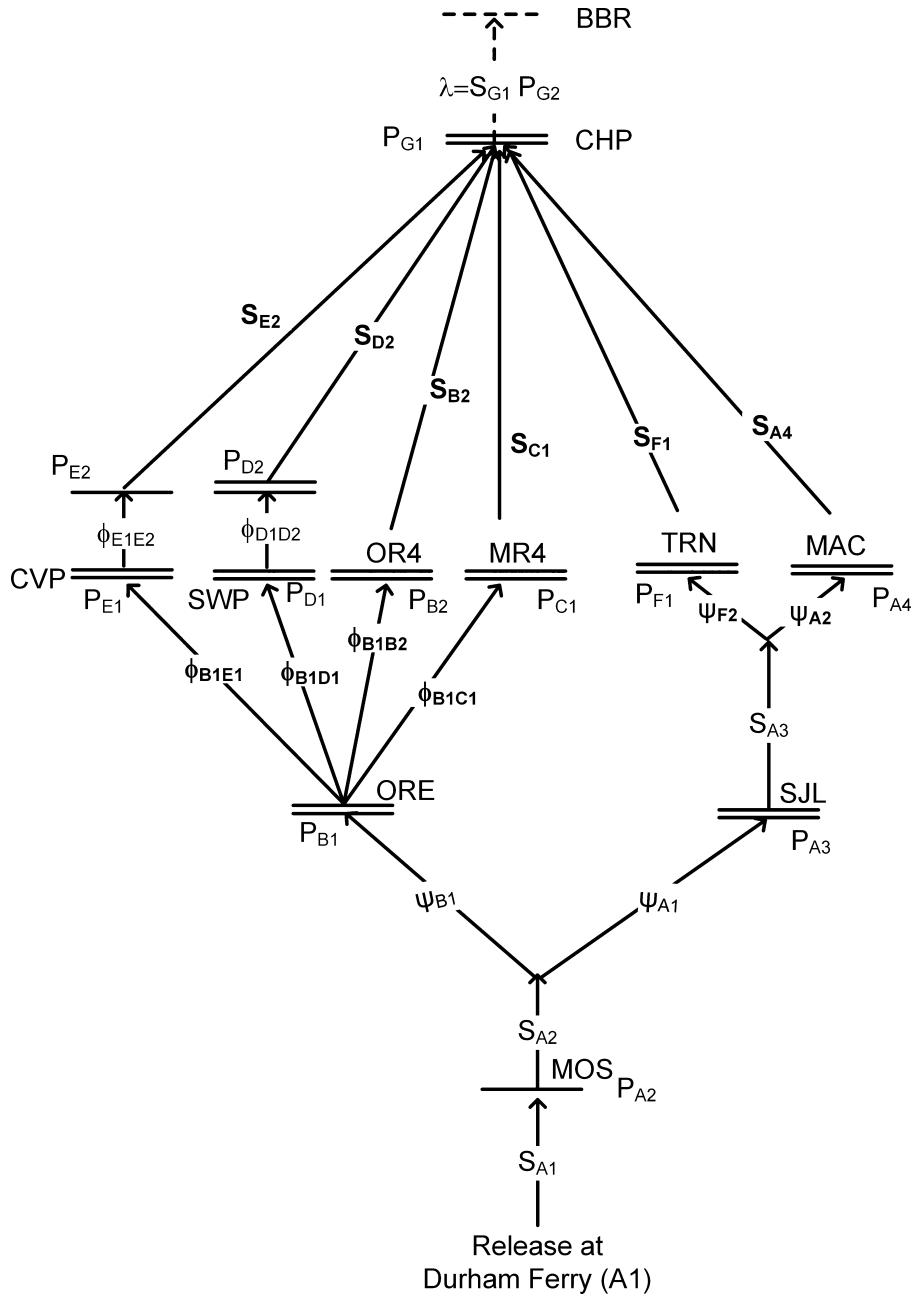


FIGURE 2. Schematic of multistate release recapture model to estimate survival of juvenile Chinook Salmon from Mossdale (MOS) through the Delta to Chipps Island (CHP). The downstream boundaries of the southern Delta are MacDonald Island (MAC) and Turner Cut (TRN) in the San Joaquin River route, and the water export facilities (CVP, SWP) and Highway 4 receivers (OR4, MR4) in the Old River route. Horizontal lines indicate acoustic receivers; parallel lines indicate dual receiver array. Model parameters are probabilities of salmon reach survival (S), detection (P), route selection (ψ), and transition ($\Phi = \psi S$), and the last reach parameter $\lambda = SP$. Site BBR was available only in 2014 and 2015 (dashed lines).

estimates. Detection data were passed through a “predator filter” to identify and remove likely predator detections. The predator filter was based on assumed behavioral differences between migrating Chinook Salmon smolts and predators such as Striped Bass *Morone saxatilis*, including differences in residence time in the vicinity of a receiver, travel rate between receivers, and movements against river flow. More

information on the predator filter is available in Buchanan et al. (2013, 2015, 2016) and SJRGA (2011, 2013).

The filtered detection history data were analyzed using a multinomial, multistate release recapture model to estimate the probabilities of detection (P), reach-specific survival (S), and route selection (ψ ; i.e., “route entrainment”) (Buchanan and Skalski 2010; Perry et al. 2010; Buchanan

et al. 2013). Different model states were used to represent the different routes through the Delta. Smolt survival was estimated for various regions in the Delta, including (1) through-Delta survival (i.e., Mossdale to Chipps Island), and (2) survival through the southern Delta (i.e., Mossdale to MacDonald Island Turner Cut in the San Joaquin River route, and Mossdale to CVP SWP Old River (OR4) Middle River (MR4) in the Old River route (Figure 1; Table 2). The multistate release recapture model accounts for imperfect detection probabilities (i.e., efficiencies) in estimating survival. An example of the 2010 model can be found in Buchanan et al. (2013), and a schematic of the model common to all study years (Durham Ferry releases) is presented in Figure 2. Pope (2014) included the likelihood equation for the 2011 study year. For Medford Island releases, survival downstream to Chipps Island was estimated with the single-release Cormack Jolly Seber model (Skalski et al. 1998).

For the 2010 study year, the multistate model was fit separately for each of seven release groups, and the averages of parameter estimates weighted by release size were reported. Sparse detections at downstream sites in the 2011–2015 study years required pooling the data from individual releases in those years for fitting the model. The multistate models were fit to the data for each year using maximum likelihood estimation in the software program USER (Lady and Skalski 2009). On occasion, the full model had to be simplified to account for sparse data through certain routes, resulting in loss of some route-specific information but not affecting the estimate of overall through-Delta survival. For some study years, no tag or only one tag was detected at Chipps Island, which prevented estimation of survival to Chipps Island separately from the detection probability. These cases were noted in the results, and the survival estimate was reported under the assumption of 100% detection probability. The 95% upper bound on survival to Chipps Island in these cases was estimated using a binomial error structure (Louis 1981) and an assumed travel time of 7 d.

Each year, potential surgeon effects on survival of tagged fish were assessed by testing for persistent differences between surgeons in survival through multiple reaches using the nonparametric Kruskal Wallis test (Sokal and Rohlf 1995). In the event that a surgeon was observed to have fish with consistently lower survival than that for the rest of the surgical team, the release recapture model was refit to the data without that surgeon's tags.

Survival estimates in the San Joaquin River route and Old River route were compared by using a two-sized Z-test on the log scale and the significance level set at $\alpha = 0.05$. Survival estimates were tested for heterogeneity among years by means of an F-test (Skalski et al. 2014). The hypothesis that survival was higher in the southern Delta (i.e., through the upstream reaches of the Delta) than

through the lower (i.e., downstream) reaches of the Delta was tested by comparing the estimates of through-Delta survival to the square of southern Delta survival: $\delta = (\text{survival through southern Delta}^2)/(\text{through-Delta survival})$. If southern Delta survival is comparable with survival in the downstream reaches, then the ratio δ should be approximately 1. A one-sample t-test was used to compare the ratio δ to 1 on the log scale. Only years with tag detections at Chipps Island were included for the regional comparison.

Tag life and travel time. Tag life was measured as the time between tag activation and failure time in the in-tank studies. In some cases, malfunctioning hydrophones in the tag-life studies required right-censoring the time-to-failure data. Observed tag survival was modeled separately each year using the four-parameter vitality curve (Li and Anderson 2009). Within each study year, possible stratification of tag survival by activation date was assessed using the Akaike information criterion (AIC; Burnham and Anderson 2002), with the exception of the April tag-life study from 2014; homogeneity (i.e., no stratification) of tag survival was concluded in all years except 2014. In 2014, the earliest (i.e., mid-April) release group and April tag-life study both suffered from a manufacturing defect that turned the tags off prematurely; the defect was corrected for later release groups, resulting in a separate tag-survival model for the mid-April release for that year.

The fitted tag-survival models were used to adjust the estimated fish survival probabilities for tag failure using methods adapted from Townsend et al. (2006). In this study, travel time and the probability of tag survival to Chipps Island were estimated separately for the different routes (e.g., San Joaquin River route and Old River route). Standard errors of the tag-life-adjusted fish survival and transition probabilities were estimated using the inverse Hessian matrix of the fitted joint fish-tag survival model. The additional uncertainty introduced by variability in tag survival was not incorporated into the estimated SEs of the survival estimates. In previous studies, however, variability in tag-life parameters was observed to contribute little to the overall uncertainty in the fish survival estimates (Townsend et al. 2006); thus, the resulting bias in the SE values was expected to be small. Because of the high rate of premature tag failure experienced by the mid-April release group in 2014, no attempt was made to adjust the survival estimates for tag failure for that release group. Thus, estimates from the 2014 mid-April release group represent minimum fish survival (Holbrook et al. 2009).

RESULTS

Delta Conditions

Delta inflow from the San Joaquin River is measured at the Vernalis river gauging station, which is located

approximately 3 rkm upstream from the Durham Ferry release site. River discharge (flow) at this station was considerably higher in 2011 than in the other years. Average daily flows at Vernalis during 2011 ranged from 278 to 308 m³/s over the course of the study, whereas average daily flows for the other study years ranged from 11 m³/s in 2015 to 161 m³/s in 2010. Daily total water export rates from the Delta (i.e., from CVP, SWP) varied throughout the season, especially in 2011. The average daily export rate during the release periods ranged from 42 m³/s in 2014 to 277 m³/s in 2011. Mean daily water temperature in the San Joaquin River near the city of Lathrop (near the head of Old River) varied between years (ANOVA: $P = 0.0155$) and tended to increase throughout each season. Average daily water temperature during the release periods ranged from 15.1°C in 2010 and 2011 to 22.2°C in 2015; the maximum temperature observed at the release site was 24.7°C at Durham Ferry in 2015. The temperature differential between salmon transport tanks and river water was <5°C for 96% of transport trips of tagged fish to the release site (maximum = 6.7°C).

Fish Health and Tag Retention

The 24 72-h mortality rate of dummy-tagged fish ranged from 0 to 2% in all study years. Fish condition after tagging was generally good; however, examination of control fish in the fish health studies found surgical complications (e.g., loose sutures) in some years. Incidence of such complications ranged from 0 to 10% per year except in 2012 (18%). High rates of *Aeromonas Pseudomonas* infection were found in some years (20% in 2015 and 37% in 2012) but may have been due to environmental contamination during sampling (Nichols 2015). Health assessments for control fish in 2010–2013 consistently found evidence of the myxozoan parasite *Tetracapsuloides bryosalmonae*, the causative agent of proliferative kidney disease (PKD). Clinical incidence of PKD in control fish ranged up to 93% (2012); no PKD was detected in sampled fish from 2014 and 2015. For more details on fish health results, see SJRGA (2011, 2013), Nichols (2014, 2015), Buchanan et al. (2015, 2016), and Foott (2015).

Tag retention studies found no tag loss within 30–33 d except in 2015, when 1 of 69 tags (1.4%) was found to have been expelled upon examination on day 31. The mortality rate among dummy-tagged fish used in the tag retention studies and held for 30–33 d in 2014 and 2015 was 0 to 2.4%, respectively, and similar mortality rates were observed among untagged control fish. In 2012, 3 of 39 (7.7%) dummy-tagged fish died by day 5; no other dummy-tagged fish died by the study's end on day 30, and no untagged fish were available for comparison in 2012.

Tag Life and Travel Time

Mean tag life was approximately 12 d in the April 2014 tag-life study, which reflected a manufacturing defect. For all other tag-life studies, mean tag life varied from 27 d in 2010 to approximately 50 d for both the 2013 study and the May 2014 tag-life study (Figure 3).

Median travel time from Mossdale to Chipps Island was approximately 3 to 4 d in 2010, 2011, and 2013 and 5.2 d in 2012 (Table 3). The single tag detected at Chipps Island in 2014 was detected there 4.9 d after detection at Mossdale but came from the faulty tag group and may not represent average travel time of the group. No fish with tags passing Mossdale in 2015 were detected at Chipps Island. Both the shortest (1.1 d) and the longest (12.4 d) travel times through the study area to Chipps Island occurred in 2011. Travel time through the Delta (i.e., Mossdale to Chipps Island) was significantly longer on average in 2012 than in the other 3 years that have estimates ($t_{70} = 2.937$, $P = 0.0045$). Median travel time from Mossdale through the southern Delta to the Turner Cut junction (i.e., to the Turner Cut or MacDonald Island receivers) ranged from 1.3 d in 2014 (three fish) to 3.7 d in 2013 (two fish) (Table 3). Travel times from Mossdale through the southern Delta to either the water export facilities (CVP, SWP) or the Highway 4 receivers (OR4, MR4) tended to be slightly shorter: median travel times ranged from 0.8 d in 2011 to 1.9 d in 2012 (four fish) and 2013 (Table 3). Tags from the 2015 Medford Island release were detected at Chipps Island 2.1 to 8.9 d after release (median time = 3.7 d; Table 3).

Survival Estimates

Annual estimates of the total probability of juvenile salmon surviving from Mossdale to Chipps Island (hereafter, “through-Delta survival”) based on acoustic-telemetry data were all ≤ 0.05 (SE ≤ 0.01) for the 6 years of study (Table 4); there was no significant difference in survival between years ($F_{4, \infty} = 1.668$, $P = 0.1542$). Considering the 92-km length of the primary San Joaquin River route through the Delta, a total survival probability of 0.05 translates to a survival probability of 0.97 per kilometer (i.e., 0.03 probability of mortality per kilometer). Nearly half (7 of 17) of the release groups yielded through-Delta survival estimates of ≤ 0.01 , although two 2010 release groups had estimates of 0.10 (SE = 0.03) (Figure 4). During the drought years of 2014 and 2015, only one fish was detected at Chipps Island out of 2,719 released at Mossdale; that single fish came from the April 2014 release group that had defective tags, and represents the joint probability of fish and tag survival and detection. Under the assumption of 100% detection probability at Chipps Island, survival from Mossdale to Chipps Island was 0 for fish released with nondefective tags in 2014 and 2015. Also assuming a binomial error structure, the 95% upper

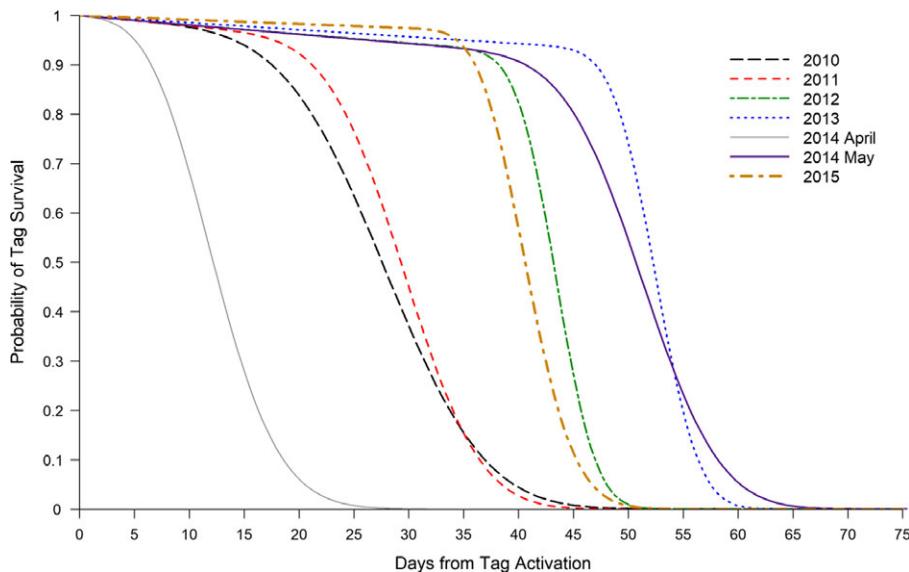


FIGURE 3. Fitted tag survival curves for each year and/or in tank study. The 2010 and 2011 studies used HTI tags, and the 2012–2015 studies used VEMCO tags (see Methods).

TABLE 3. Estimated (median, range in parentheses) travel time (days) through the southern Delta and to Chipps Island for study years 2010–2015; number after semicolon = number of observations. Travel times are from Mossdale and are for Durham Ferry (DF) releases unless otherwise noted (MF = Medford Island release). Turner Cut Junction = TRN and MAC acoustic receivers (Figure 1). NA = no estimate is available.

Year	Turner Cut Junction	Water export facilities Highway 4	Chipps Island (from Mossdale)	Chipps Island (from release site)
2010	2.5 (1.3 3.7); 81	1.1 (0.5 5.8); 162	3.4 (1.3 7.2); 29	3.8 (1.6 7.6); 29
2011	1.6 (0.7 10.2); 404	0.8 (0.3 10.3); 378	2.9 (1.1 12.4); 27	3.3 (1.4 12.7); 33
2012	2.2 (1.0 7.3); 109	1.9 (1.2 3.9); 4	5.2 (3.7 10.0); 15	5.6 (4.1 10.4); 15
2013	3.7 (3.0 4.3); 2	1.9 (0.4 6.1); 95	3.6 (3.3 7.6); 3	4.0 (3.8 8.1); 3
2014 ^a	1.3 (0.9 1.6); 3	1.8 (1.7 1.9); 2	NA; 0	NA; 0
2015 (DF)	2.4; 1	NA; 0	NA; 0	NA; 0
2015 (MF)	NA	NA	NA	3.7 (2.1 8.9); 35

^aEstimates for 2014 omitted mid-April release group because of a tag-programming error.

bound on survival was 0.01 in 2014 and 0.13 in 2015; the relatively high upper bound in 2015 reflects the low survival from the Durham Ferry release site to Mossdale that year (0.03; Table 5). In the extreme drought year of 2015, survival from the Medford Island release site to Chipps Island was estimated at 0.08 (SE = 0.01); only one fish released at Durham Ferry was detected as far downstream as Medford Island that year. No persistent effects from surgical treatment were detected through multiple reaches in any year ($P \geq 0.3679$ each year).

Of the acoustic tags released at Durham Ferry and detected at Chipps Island since 2010, the majority of the fish passed through the CVP en route to Chipps Island; the exception was in 2012, when a temporary rock barrier blocked most access to the Old River and the direct route to the CVP was closed (Table 4). The

barrier was also installed at the head of Old River in 2014 and 2015, and the large majority of fish used the San Joaquin River route in those years (Table 5). In years without the rock barrier, the probability of selecting the San Joaquin River route ranged from 0.23 (SE = 0.02) in 2014 to 0.58 (SE = 0.01) in 2011 (Table 5). Survival from Mossdale to Chipps Island was low through both the San Joaquin River route and the Old River route in all years. In the 2 years in which there was a statistically significant difference ($P \leq 0.0267$) in route-specific survival, the Old River route had the higher survival when data was combined across release groups (Table 5). When compared on the scale of the individual release groups, only three releases showed survival differences between routes: the Old River route had the higher survival for the two June

TABLE 4. Estimates (SE in parentheses) of (1) probabilities of Chinook Salmon survival from Mossdale to the Turner Cut Junction, the water export facilities Highway 4 receivers, through the entire southern Delta, and through the Delta to Chipps Island, (2) detection probability at Chipps Island (conditional on presence), and (3) the percentage of tags released at Durham Ferry (DF) and detected at Chipps Island that came through the CVP; MF = Medford Island release. Estimates are weighted averages for 2010 and estimated from pooled release groups for 2011–2015. When provided, n = number of tags detected at downstream boundary of reach. Turner Cut Junction = TRN and MAC acoustic receivers (Figure 1). NA = no estimate is available.

Year	Turner Cut Junction	Water export facilities Highway 4	Total southern Delta	Chipps Island	Detection at Chipps Island	CVP detection percentage (%)
2010	0.32 (0.02)	0.77 (0.05)	0.56 (0.03)	0.05 (0.01)	1.00 (0.00)	65.5
2011	0.48 (0.02)	0.66 (0.02)	0.56 (0.01)	0.02 (<0.01)	0.99 (0.01)	63.6
2012	0.24 (0.02)	0.42 (0.16)	0.24 (0.02)	0.03 (0.01)	1.00 (0.00)	6.7
2013	0.02 (0.01)	0.27 (0.02)	0.21 (0.02)	0.01 (0.01)	1.00 (0.00)	66.7
2014 ^a	0.01 (<0.01)	0.12 (0.05)	0.02 (0.01)	0.00 ($n = 0$)	NA	NA
2015 (DF)	0.05 (0.05; $n = 1$)	0.00 ($n = 0$)	0.05 (0.05)	0.00 ($n = 0$)	NA	NA
2015 (MF)	NA	NA	NA	0.08 (0.01) ^b	0.93 (0.05)	NA

^aEstimates for 2014 omitted mid-April release group because of a tag-programming error.

^bSurvival estimate from release at Medford Island.

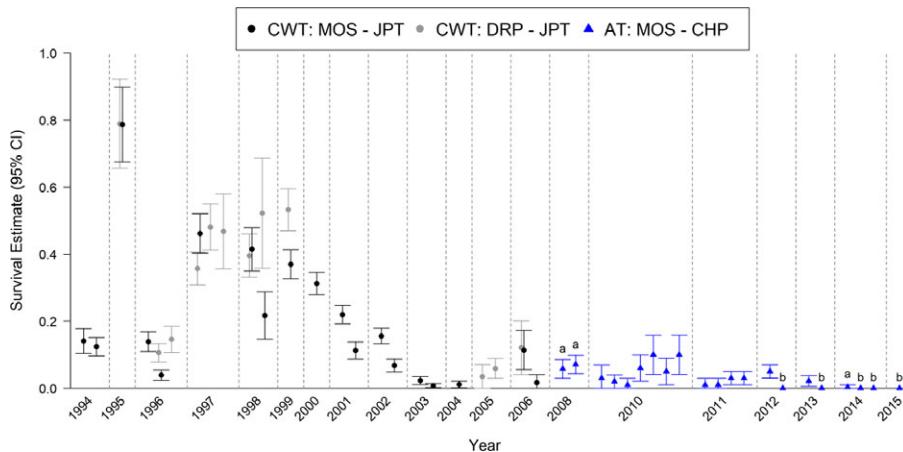


FIGURE 4. Estimated survival of release groups of juvenile hatchery fall run Chinook Salmon from Mossdale (MOS) or Dos Reis Park (DRP, 3.7 rkm downstream from the receivers at San Joaquin at Lathrop) to either Jersey Point (JPT) or Chipps Island (CHP) from coded wire tag (CWT) and acoustic telemetry (AT) studies. Intervals are 95% CIs, truncated to 0 if necessary. The letter a = estimates that represent minimum survival because of premature tag failure (Holbrook et al. 2009); letter b = no detections at Chipps Island; Delta survival was not estimated in 2009 (SJGMA 2010). (Adapted from Figure 5 1 in SJGMA 2013.)

releases in 2011, and the San Joaquin River route had the higher survival for the late April release in 2010 (SJGMA 2011, 2013). Estimated survival through the southern Delta (i.e., through the upstream region of the Delta) tended to be considerably higher than through-Delta survival (Table 4). Survival was also higher in the southern Delta than in the lower (i.e., downstream) reaches of the Delta ($t_3 = 3.670$, $P = 0.0350$). Nevertheless, even the upstream region of the Delta had low survival in recent years. Estimated salmon survival to the Turner Cut junction was only 0.02 (SE = 0.01) in 2013, 0.01 (SE ≤ 0.01) in 2014, and 0.05 (SE = 0.05) in 2015, compared with 0.24 to 0.48 (SE = 0.02) in 2010–2012 (Table 4); the annual differences were highly significant ($F_{5, \infty} = 58.237$, $P < 0.0001$).

DISCUSSION

The annual through-Delta survival estimates from 2010 to 2015 obtained from these acoustic-tag studies were ≤ 0.05 , and some were 0; release-level estimates were ≤ 0.10 . These acoustic-tag survival estimates continue a pattern of declining survival observed in coded wire tag studies dating back to 2002 (Figure 4). However, low survival was observed in earlier years as well (e.g., 1994; Figure 4). Obvious questions arise in response to these low survival estimates. How do these levels of survival compare with salmonid survival through similar environments in other river systems? What are the possible causes and population effects of low survival? How representative and reliable are the survival estimates, and what are the implications for managers?

TABLE 5. Estimates of the probability of Chinook Salmon survival from the Durham Ferry (DF) release site to Mossdale (MOS), the probability of selecting the San Joaquin River (SJR) route at the head of Old River (OR), and the probability of survival in the two major routes from Mossdale to Chipps Island (SJR route and OR route), and the *P* value from the two sided *Z* test on the log scale for the hypothesis of equal survival in the two routes. Estimates are weighted averages for 2010 and estimated from pooled release groups for 2011–2015. NA = no test was performed.

Year	DF to MOS	Select SJR route	SJR route	OR route	<i>P</i> -value
2010	0.94 (0.01)	0.47 (0.02)	0.04 (0.01)	0.07 (0.01)	0.0267
2011	0.87 (0.01)	0.58 (0.01)	0.01 (<0.01)	0.04 (0.01)	0.0001
2012	0.50 (0.02)	0.98 (0.01)	0.03 (0.01)	0.11 (0.10)	0.2000
2013	0.50 (0.02)	0.23 (0.02)	0.01 (0.01)	0.01 (0.01)	0.8120
2014 ^a	0.16 (0.01)	0.92 (0.02)	0.00 (<i>n</i> = 0)	0.00 (<i>n</i> = 0)	NA
2015	0.03 (<0.01)	0.92 (0.08) ^b	0.00 (<i>n</i> = 0)	0.00 (<i>n</i> = 0)	NA

^aEstimates for 2014 omitted mid-April release group because of a tag-programming error.

^bAssumption of 100% detection probability in Old River Route (*n* = 1).

Direct comparison of these survival results to other river systems is challenging because of structural differences between the Delta environment and other riverine systems. However, comparisons can be made using survival estimates scaled by migration distance and translated to the length of the Delta, i.e., approximately 92 rkm along the San Joaquin River from Mossdale to Chipps Island (Buchanan et al. 2013). Many acoustic-telemetry studies have estimated survival of yearling Chinook Salmon in the lower river and estuary of the Columbia River (reviewed in Dietrich et al. 2016); scaled to the length of the Delta, the Columbia River survival probability estimates averaged 0.84 and ranged from 0.23 to 1.0 (see Dietrich et al. 2016 for data). Thus, the studies of yearling Chinook Salmon in the Columbia River show considerably higher survival through the lower river and estuary than has been observed for subyearling FR Chinook Salmon through the Delta. For subyearling FR Chinook Salmon from the Columbia River basin, lower river and estuary survival estimates are available from 2002 and 2003 (Clemens et al. 2009) and from 2009 and 2010 (McMichael et al. 2010, 2011; Harnish et al. 2012); extrapolated to the length of the Delta, the Columbia River subyearling FR Chinook Salmon estimates ranged from 0.61 to 0.88. Welch et al. (2008) reported survival of out-migrating yearling Chinook Salmon from 2004 to 2006 through 330 to 395 km of the Thompson Fraser River system and estuary, British Columbia, which, when scaled to the length of the Delta, ranged from 0.37 to 0.74. Thus, there is evidence that survival of juvenile Chinook Salmon into and through estuaries from two other large river systems on the West Coast of North America have considerably higher survival rates than FR Chinook Salmon from the San Joaquin River system, even though five Chinook Salmon populations in the Columbia River basin have warranted listing as endangered under the U.S. Endangered Species Act (U.S. Office of the Federal Register 2010).

In the Columbia River basin, a minimum smolt adult return ratio (SAR) of 2% (0.02) has been recommended

for population sustainability (NPCC 2014). The release-specific Delta survival estimates for the San Joaquin River FR Chinook Salmon had a maximum of 0.10 and averaged approximately 0.025 (Figure 4). If SAR \geq 0.02 is required for population persistence, then a minimum survival probability of 0.2 (i.e., 0.02/0.10) is required through the remainder of the salmon's life history until adult return. Using a low-end Delta juvenile survival value of 0.025, SAR of 0.02 requires post-Delta survival of 0.80. These calculations assume juvenile survival from the tributaries to the Delta is 1.0, which is not the case (Brandes and McLain 2001; Zeug et al. 2014). Additionally, survival through the bays can be lower than survival through the Delta itself for late-fall-run Chinook Salmon (Michel et al. 2015), and Lindley et al. (2009) concluded that ocean conditions contributed heavily to the fall-run salmon fishery collapse in 2007 and 2008. Thus, Delta survival as low as 0.025 to 0.10 is likely not being compensated by higher survival rates in other life stages. At current Delta survival rates, the San Joaquin River component of the Central Valley FR Chinook Salmon population may not persist.

The potential for low Delta survival of San Joaquin River FR Chinook Salmon to affect the persistence of the overall Central Valley FR Chinook Salmon population is also a concern. There is little or no genetic distinction among naturally spawning populations of FR Chinook Salmon in the Central Valley or among the individuals spawned at different hatcheries (Williamson and May 2005; Lindley et al. 2009). The common hatchery practice of trucking juveniles around the Delta may contribute to adult straying, and eggs are sometimes moved from one hatchery to another between basins (Williams 2006, 2012). Furthermore, most existing estimates of Delta survival of FR Chinook Salmon from the Sacramento River are considerably higher than those for FR Chinook Salmon from the San Joaquin River: estimates of Sacramento River FR Chinook Salmon survival from Freeport (on the

Sacramento River) to Benicia Bridge have ranged from 0.26 to 0.39 in 2012 to 2014 and in 2016, although an estimate as low as 0.05 was observed in 2014 (A. Ammann, NOAA Fisheries, personal communication; G. Singer, University of California Davis, personal communication; S. Zeug, Cramer Fish Sciences, personal communication). These observations suggest that the San Joaquin River basin may be a sink for the Sacramento River component of the overall Central Valley FR Chinook Salmon population, rather than a self-sustaining subpopulation (e.g., Johnson et al. 2012). If so, then persistently low survival of the smolt migrant component of the San Joaquin River population puts further strain on the Central Valley population as a whole and reduces total escapement and harvest.

The reasons behind the low Delta survival of FR Chinook Salmon from the San Joaquin River are varied and speculative. Historically, the population decline of Chinook Salmon from the mid-1800s was caused by overfishing, mining, damming, and water diversions (Yoshiyama et al. 1998). Since then, the Delta environment has been heavily modified from a combination of saltwater, brackish, and freshwater marshes to a complex system of river channels maintained by levees that protect agricultural, industrial, and residential land (Nichols et al. 1986). Additionally, a large proportion of the fresh water entering the Delta is extracted for municipal and agricultural use. A multiyear drought likely contributed to the survival estimate of 0 in 2014 and the high mortality before fish even reached the Delta in 2015 (Table 5). Salmon survival estimates from Durham Ferry to Mossdale varied significantly between years ($F_{5,\infty} = 708.563$, $P < 0.0001$), and the point estimates for this reach declined for all years of the study except one (Table 5), consistent with the expected drought effects. The prospects of climate change make such extreme drought events more likely in the future (Cvijanovic et al. 2017).

Nevertheless, high river flows alone do not guarantee high survival (e.g., Romer et al. 2013). In particular, 2011 was a wet year, yet total through-Delta survival was low (0.02). The 2011 study fish were released in mid-May through mid-June that year, which coincided with captures of wild Chinook Salmon in the Mossdale trawl (SJRG 2013), but also occurred just after the end of peak river flow at Vernalis; thus, it is possible that the study fish in 2011 missed the period of primary benefit of high flows for Delta survival. It is notable, however, that survival through the upstream reaches of the Delta was higher in 2011 (e.g., 0.48 from Mossdale to the Turner Cut junction) than in other years, as expected for a high-flow year, whereas survival through the downstream reaches of the Delta was ≤ 0.06 (e.g., approximately 0.05 probability of mortality per kilometer from the Turner Cut junction to Chipps Island). This pattern of higher mortality in the downstream versus upstream Delta reaches was also

observed for late-fall-run Chinook Salmon from the Sacramento River in 2011 (Michel et al. 2015) and suggests spatial variability in mortality factors within the Delta. This possibility is supported by the observation that the majority of tagged FR Chinook Salmon from the San Joaquin River detected at Chipps Island when all routes were available (i.e., no rock barrier at the head of Old River) came through salvage at the CVP rather than migrating entirely through Delta waters; this is because salvaged fish avoid the downstream reaches of the Delta.

Fish condition may also account for some of the results observed in these studies. In particular, the high incidence of PKD observed in the fish from the Merced River Hatchery used in 2010–2013 may have contributed to high mortality in those years. This kidney disease is progressive, potentially fatal, and develops faster at higher water temperatures (Ferguson 1981). It is common in fish from the Merced River Fish Hatchery (Foott et al. 2007) and also prevalent in the natural-spawning population (Nichols and Foott 2002). However, no PKD was observed in the study fish from the Mokelumne River Hatchery in the drought years of 2014–2015, when survival was particularly low.

The observed decline in salmon survival coincides with a well-documented decline in populations of many Delta organisms (Sommer et al. 2007). Referred to as the pelagic organism decline (POD), this phenomenon indicates an ecosystem-wide shift in the ecological community of the Delta. Nonnative species such as Largemouth Bass *Micropterus salmoides*, the aquatic weed *Egeria densa*, and the overbite clam *Corbula amurensis* have become well established in the Delta and have altered the food web (Kimmerer et al. 1994; Sommer et al. 2007; Healey et al. 2008). Striped Bass and Largemouth Bass are known predators of juvenile salmonids and also support a popular sport fishery in the Delta (Nobriga and Feyrer 2007; Cavallo et al. 2013). In the 2010–2015 studies, the predator filter identified a minimum of 20% to 64% of the tagged FR Chinook Salmon detected between Mossdale and Chipps Island as being predated upon. Because the predator filter identifies only those predation events that were followed by movement past an acoustic receiver, the actual predation rate within this region was likely even higher. The hypothesis that faster-moving fish have reduced exposure time to predators and consequently higher survival (e.g., Anderson et al. 2005) was not supported here on the scale of the entire Delta, where travel time varied between years (longest in 2012), but total Delta survival did not (Tables 3 and 4); further investigation of a predator exposure or travel time hypothesis is warranted on smaller spatial scales.

The extent to which the results of the acoustic-telemetry study represent the San Joaquin River FR Chinook Salmon population depends on the composition of the study

fish, release timing, and fish condition. The fish used in the acoustic-telemetry studies were all smolt-sized subyearlings reared at state-run hatcheries on the Merced or Mokelumne rivers, tributaries to the San Joaquin River. They were expected to pass quickly through the Delta to San Francisco Bay and the near ocean and then return to the Central Valley to spawn as adults approximately 2.5 years later. The majority of salmon in the Central Valley are reared in hatcheries (Barnett-Johnson et al. 2007), but fish from the state-run hatcheries are sometimes trucked around the Delta as juveniles and thus avoid within-Delta mortality (Miller et al. 2010). The natural-spawned population from the San Joaquin basin is not trucked and includes fish that migrate as smolt-sized fish, as well as those that migrate from the tributaries to the San Joaquin River or Delta as either fry- or parr-sized fish (Miller et al. 2010). Recent chemical analysis of otoliths from returning adult wild FR Chinook Salmon from the Stanislaus River in the San Joaquin River basin suggest that fish that exit the Stanislaus River as parr (i.e., rear in the lower San Joaquin River or Delta) sometimes have higher survival to adult return than do fish that exit the Stanislaus River as smolts, which are expected to be better represented by the acoustic-telemetry study fish (Sturrock et al. 2015). However, trawl sampling at Mossdale concurrent with the acoustic-telemetry studies in 2010 and 2011 found Chinook Salmon of comparable length to our study fish, suggesting that our studies effectively represented a detectable component of run-of-river fish in timing and fish size (SJRGRA 2011, 2013). Thus, the low survival estimates observed in the acoustic-telemetry studies may be considered to represent the Delta survival of the smolt-sized migrant component of the natural-spawned population, to the extent to which hatchery fish may represent natural fish. Introgression of genes from the hatchery population into the natural population may limit the actual differences in survival between the wild and hatchery populations, but questions remain of surrogacy assumptions in applying results from hatchery fish to the wild population (Murphy et al. 2011). In particular, a number of authors have found hatchery fish to have different survival estimates than naturally produced fish (e.g., Berejikian et al. 1999; Buchanan et al. 2010). Even allowing for differences between study fish and the wild population, the low survival observed for the hatchery-reared release groups suggests that Delta conditions are poor and that a sizeable component of the natural-spawned population from the San Joaquin River basin may also experience low Delta survival. A loss of this population component would contribute to the loss of diversity and resilience overall in Central Valley FR Chinook Salmon and put the population and ocean fisheries at added risk of collapse (Lindley et al. 2009; Carlson and Satterthwaite 2011).

The reliability of the low survival estimates observed here depends on detection probabilities (efficiencies) at Chipps Island, the predator filter, and tagging and handling effects. These survival estimates were generated using a release recapture model that separates survival from detection processes; in particular, the dual receiver array at Chipps Island, either alone or combined with the Benicia Bridge receivers (if present), provided the data structure necessary to estimate the detection probability at that site. Thus, the efficiency of the detection process does not confound the survival probability estimates. Detection probabilities at Chipps Island were estimated to be high (>0.90) for all years with estimates (Table 4). The lack of detections in 2014 prevented estimation of the detection probability for that year; however, the very low survival ($S = 0.01$) estimated to the Turner Cut junction in 2014 suggests that the lack of Chipps Island detections was caused by low survival rather than failure of the detection system.

The survival estimates reported reflect detection data after filtering for likely predator detections. Without implementing the predator filter, the only year with a different Delta survival estimate was 2010, when the unfiltered survival estimate was 0.11 instead of 0.05 (SE = 0.01; SJRGA 2011, 2013; Buchanan et al. 2013, 2015, 2016). The possibility that the low survival probability estimated for the high-flow year of 2011 was a result of positively biased detection probabilities or inaccuracies in the predator filter was explored and discounted; even assuming a Chipps Island detection probability as low as 0.75 and omitting the predator filter, the estimated survival probability from Mossdale to Chipps Island in 2011 would have been 0.03 instead of 0.02.

Possible tagging and handling effects are of concern in any tagging study. In the 6 years of this study, tag burden, tagging and handling procedures, and temperature controls during fish handling were within recommended guidelines (e.g., Wedemeyer 1996; Iwama et al. 1997; Anglea et al. 2004; Brown et al. 2006). The possibility of acute mortality effects due to surgery or transport conditions was assessed by examining dummy-tagged fish after being held for at least 48 h at the Durham Ferry release site after transport. The 48-h mortality rate of these dummy-tagged fish was <2% for all years. Additionally, the mortality rate of active-tagged fish during transport and holding prior to release was minimal in 2010–2014 (0.06% of all tagged fish transported). Together, these results suggest that surgery, handling, and transport caused minimal acute mortality. There was higher mortality during holding at the Durham Ferry release site in 2015 (0.92%). However, river temperatures were abnormally high ($\leq 24.7^{\circ}\text{C}$) during the holding period and may account for the prerelease mortality in that year even in the absence of additional stress from surgery or handling

(Marine and Cech 2004). Furthermore, the 21 rkm between the primary release site at Durham Ferry and the upstream boundary of the study area (Mossdale) allowed any acute mortality effects of handling to be expressed outside of the study area. Survival probability estimates from Durham Ferry to Mossdale ranged from 0.03 (SE < 0.01) in 2015 to 0.94 (SE = 0.01) in 2010 (Table 5). Although these estimates reflect possible handling effects, they also reflect river conditions such as low flows and high temperatures that affect both tagged and untagged fish. These considerations suggest that any acute mortality effects of surgery and handling were not reflected in survival estimates in the study area.

The possibility of chronic mortality effects due to surgical errors or variation in surgeon skill was examined by testing for differences in survival estimates of fish among surgeons each year. Although estimated survival was sometimes lower for fish tagged by a particular surgeon in a given reach and year (e.g., from Stockton to Turner Cut in 2012), there was no indication that any fish processed by any individual surgeon had consistently lower survival through multiple reaches in any year. The potential impact of surgical complications (e.g., loose sutures) on estimates of total Delta survival was investigated by adjusting observed estimates of fish survival to Chipp's Island (Table 4) by the rate of surgical complications identified from dummy-tagged fish. Such adjustment depended on the conservative assumption that all fish that had surgical complications died within the study area (i.e., neither during the 24-h holding period at the release site nor in the 21 rkm between Durham Ferry and Mossdale) and would not have died without the surgical complications. Even using the maximum observed rate of surgical complications (18% in 2012), the adjusted annual estimates of total Delta survival increased by only 0.01, e.g., from 0.03 to 0.04 in 2012. The mortality and tag loss rates observed from the tag retention studies produced similar results. Thus, the low survival estimates found in these 6 years of study were unlikely to have been an artifact of the tagging process and were more likely to reflect the Delta environment. Similarly, the fact that survival estimates were ≤ 0.05 regardless of changes in tag and acoustic receiver technology, fish source, and tagging location suggests that low survival is a persistent and pervasive characteristic of this population under current Delta conditions.

Management Implications

Given the complex host of factors contributing to low Chinook Salmon survival in the Delta and the concurrent needs of other California residents, both aquatic and terrestrial, piscine and human, the actions required to improve survival will not be simple. Uncertainty about the minimum Delta survival necessary for population persistence complicates assessment of management action

potential and performance; for example, a hypothetical target survival probability as high as 0.50 would likely prompt different approaches than would a lower hypothetical target of 0.10. A more comprehensive understanding of the structure of the Central Valley metapopulation generally, and specifically the San Joaquin River salmon population structure, performance, and requirements, as well as spatially explicit knowledge of regions and causes of high mortality, will be necessary to develop effective recommendations. However, the removal of up to 60% of the river water either upstream or in the Delta (Nichols et al. 1986) may limit any benefits of additional management actions on salmon survival. Managers should be careful to consider the survival both of salmon that use the Delta primarily as migrants and of population components that may rear in the Delta in order to promote the diversity of life histories in the FR Chinook Salmon population and the buffering benefit of the “portfolio effect” (Miller et al. 2010; Schindler et al. 2010; Carlson and Satterthwaite 2011; Sturrock et al. 2015). A priority on habitat quality within the Delta, combined with efforts to improve survival through all portions of the salmon life history, is likely to be required if this population is to persist.

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What does new science indicate about effectiveness of the I:E ratio for juvenile salmon?

Prepared by

Brad Cavallo, Principal Scientist
bcavallo@fishsciences.net



OVERVIEW: Numerous lines of evidence suggest higher San Joaquin River flows can benefit juvenile salmon

Potential benefits from increased San Joaquin River inflows would primarily occur upstream of the Delta

However, most of the Delta is tidal, and tagging studies clearly show salmon survival is unaffected by river inflow in the tidal Delta (Buchanan et al. 2018; Perry et al. 2018)

OVERVIEW: Effects of South Delta exports on San Joaquin basin juvenile salmon have been thoroughly studied

Coded wire tagged (CWT) study results are noisy and difficult to interpret, but suggested higher exports were associated with improved salmon survival (Newman 2008)

Acoustic tagging have now affirmed that CVP exports increase salmon survival because salvaged fish survive better than naturally migrating fish (Buchanan et al. 2018, Moyle 2018).

SWP exports produce survival outcomes similar to natural migration (very poor)

OVERVIEW: Why I:E?

SJR inflows primarily affect juvenile salmon in the tributaries, not in the Delta

Exports primarily affect juvenile salmon in the South Delta

Given differences in ‘how’ and ‘where’ of export and inflow effects, the need for an I:E ratio is predicated on the assumption that “net” flows (i.e. more positive than -5,000cfs OMR) are important to juvenile salmon

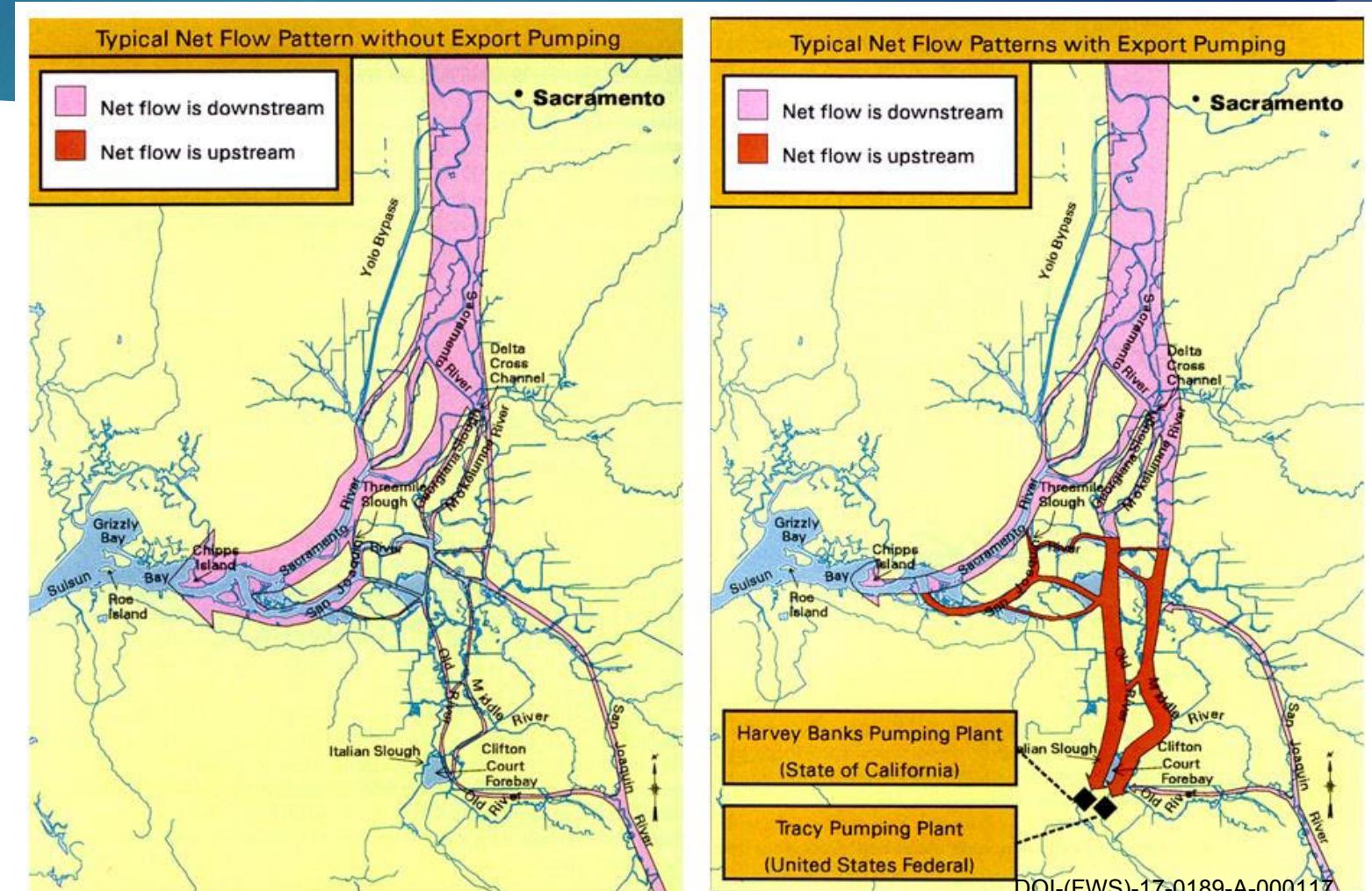
- ▶ “Net” flows are average flows calculated in the tidal Delta
- ▶ “Net” flows are influenced by **both** exports and SJR inflows

“Net” flows as a regulatory metric to protect juvenile salmon in the tidal Delta

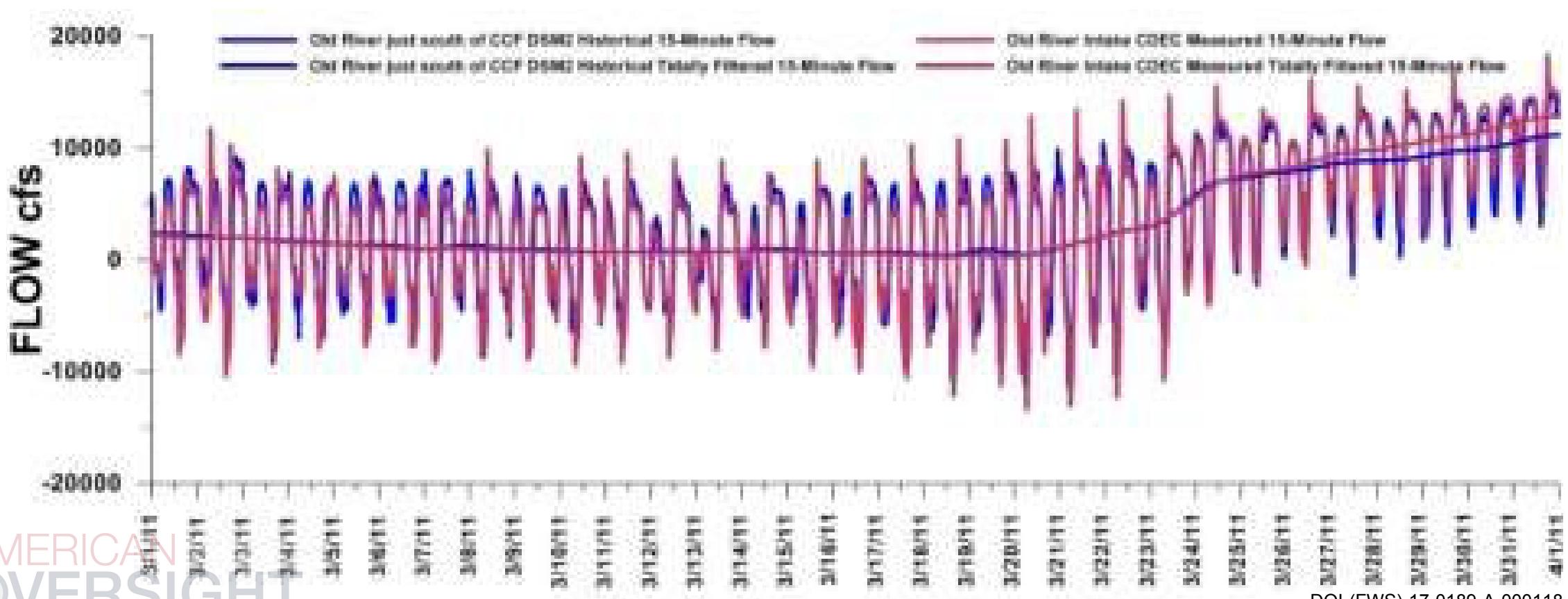
- 2009 NMFS LTO BiOp hypothesized strong adverse effect of negative “net” on juvenile salmonids in the Delta.
- Both the I:E ratio (RPA IV.2.1) and OMR (RPA IV.2.3) are justified on the basis of “net” flow effects in the tidal Delta.
 - I:E creates a more restrictive “net” flow standard than that provided by IV.2.3.
- Numerous studies, independent expert evaluations, modeling efforts and data analyses have been completed since the 2009 NMFS BiOp was released.
 - New science has consistently, repeatedly contradicted the rationale for I:E export restrictions.
 - Numerous independent lines of evidence suggest providing for more positive “net” flows in the tidal Delta (as provided by I:E) are **not** having benefits hypothesized in 2009 BiOp.
- This presentation provides an overview of these issues and contrasts ideas put forth in the 2009 NMFS BiOp with new science.

Exports cause “reverse flows”

- Tidally-averaged (“net”) flows
- “Reverse flows”



What are “net” flows?

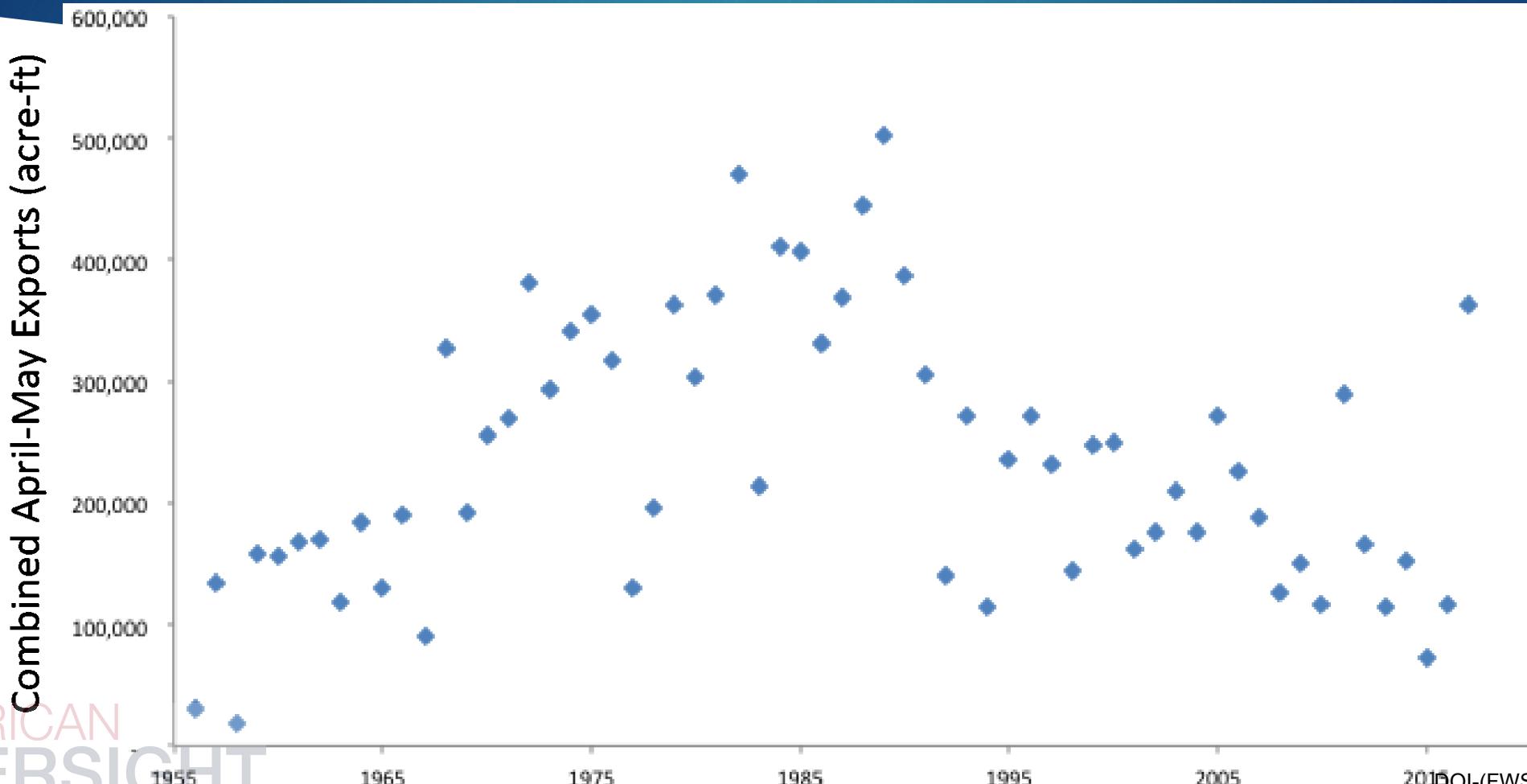


“Net” flows and juvenile salmonids

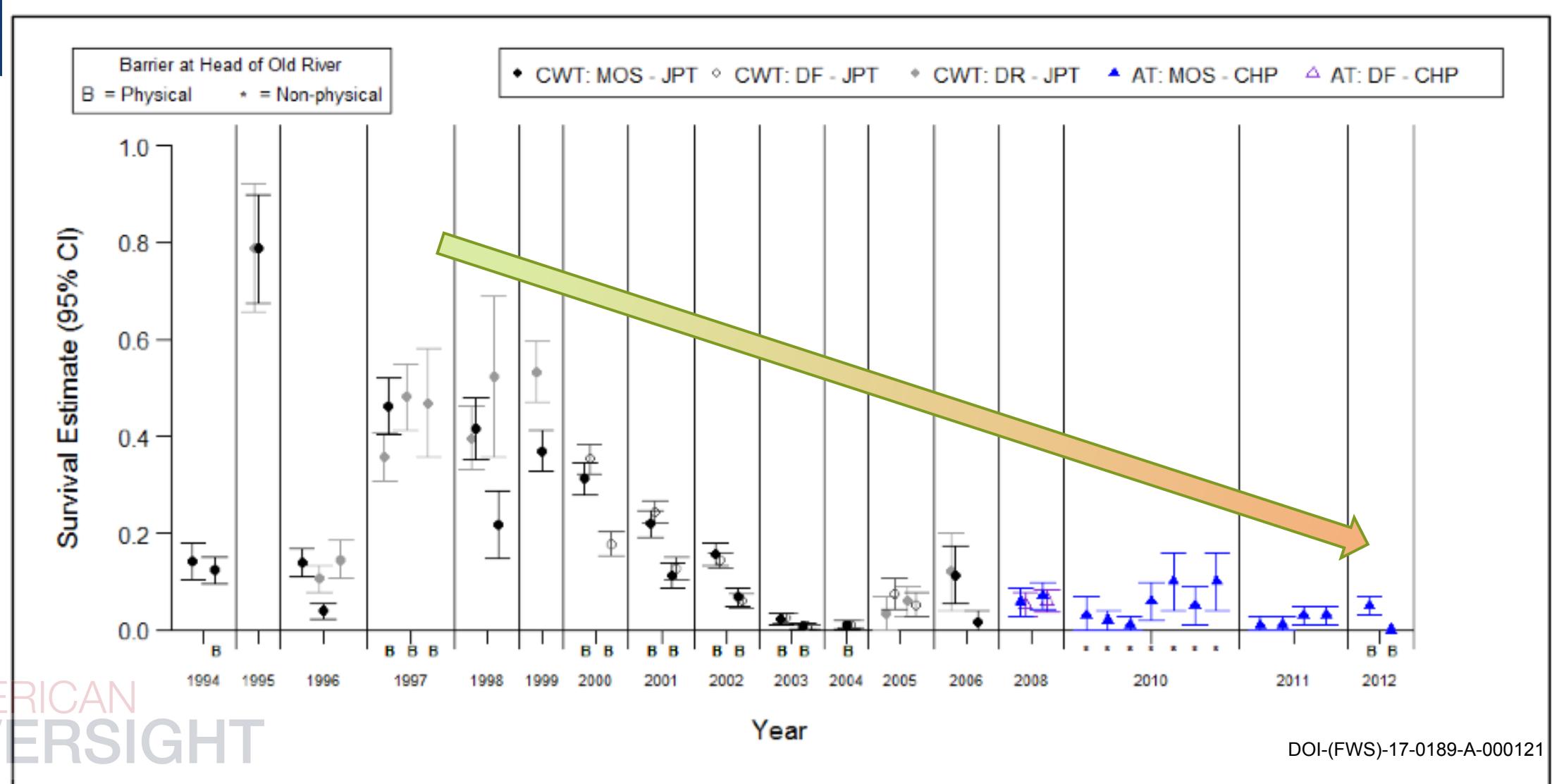
- No specific mechanism proposed for how “net” flows adversely impact juvenile salmonids
- The CAMT SST (2017) concluded “net” flows in the tidal Delta lack a mechanistic basis for influencing juvenile salmonids
- Indirect effects hypothesized to result from negative “net” flows have been studied intensively for thirty years; to-date no clear evidence for an effect
- Why? Fish interact with velocity fields; not “net” flows. Velocity fields are not appreciably affected by exports (except close to the facilities)



Total spring exports have declined since
early 1990's



Delta juvenile salmon survival has declined despite spring export restrictions



Details on new science

- The following slides describe new science on eleven topics relevant to evaluating effectiveness of the export component of the I:E for juvenile salmon

#1: “Net” flow and fish routing

2009 BiOp:

More negative “net” flows pull juvenile salmonids toward the South Delta

New Science:

“Net” flow (up to at least -5,000cfs OMR) does not appreciably influence routing of juvenile salmonids into the South Delta (Anderson *et al.*, 2012, Cavallo *et al.* 2015)

#1: “Net” flow and fish routing

Independent Expert Panel Review

“The 2012 joint stipulation study found that movement into the inner Delta appeared independent of the OMR flow which suggests that route selection is influenced by proximal conditions at the junctions of the channels.” (Anderson et al., 2012, p. 51)

“The results of tagging studies to date (through the 2012 study), show little correlation between operations and fish movement, and so do not currently support using salmon to manage operations on a weekly basis.” (Anderson et al., 2012, p. 33)

#2: “Net” flow effects on juvenile salmonids

2009 BiOp:

Negative “net” flows alters behavior of juvenile salmonids, causes indirect mortality

New Science:

Juvenile salmonids cannot perceive or be influenced by “net” flow (Monismith et al. 2014; SST 2017)

Salmon survival is unrelated to “net” flow in the tidal Delta (Buchanan et al. 2018; Perry et al. 2018)

#2: “Net” flow effects on juvenile salmonids

Independent Expert Panel Review

“The current paradigm for characterizing movement of smolts through the Delta reaches relies on mean flow to characterize the movement and routing of fish. The tagging studies in 2012 and earlier years clearly indicate that this characterization is inadequate.” (Anderson et al., 2012, p. 44)

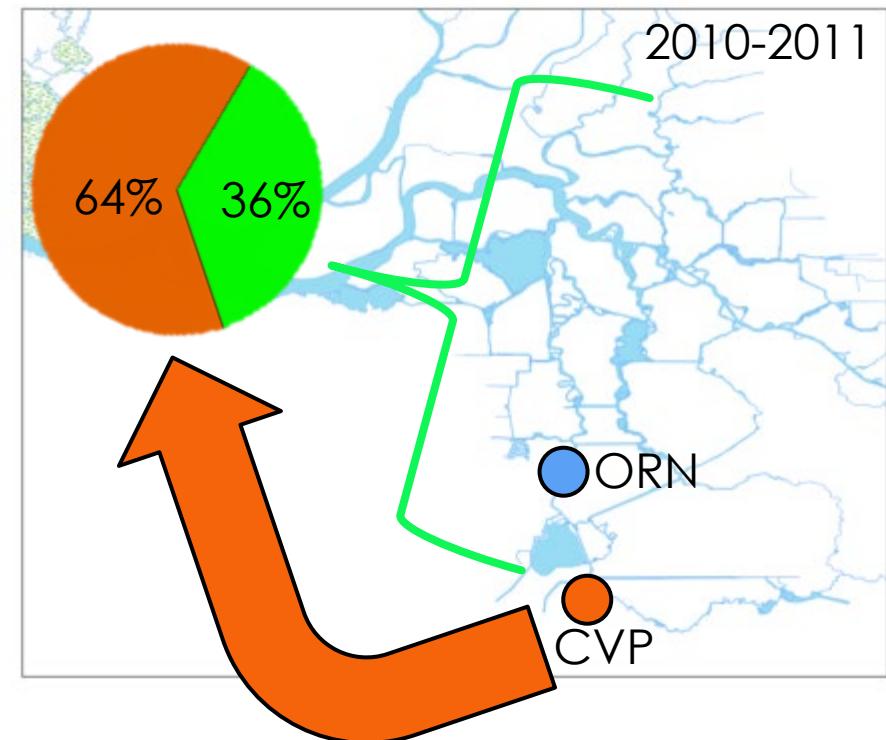
“One of the key metrics in this proposed calculation is OMR flow, a daily, tidally- averaged index...What is missing in the discussion of entrainment at the export facilities, in general, is the recognition that the export facilities are located in the tidal zone of the South Delta and that flows around those facilities cannot be simplified to daily, tidally- averaged flows [OMR] when considering entrainment issues. Entrainment is a tidal timescale problem.” (Monismith et al., 2014, p. 42)

#2: “Net” flow effects on juvenile salmonids (also see Buchanan et al. 2018)

SJR Chinook salmon acoustic tagging studies

- ▶ 2010:
 - ▶ Joint probability of moving from Old River North (ORN) to Chipps Island and surviving:
 - **0.01, SE = 0.01**
- ▶ 2011:
 - ▶ Joint probability of moving from Old River North (ORN) to Chipps Island and surviving:
 - **0.01, SE = 0.01**

Salvage at CVP delivers higher survival than natural migration, even with positive “net” flow conditions



#2: “Net” flow effects on juvenile salmonids

Steelhead acoustic tagging studies available to date show survival is not negatively affected by exports
(SST 2017)

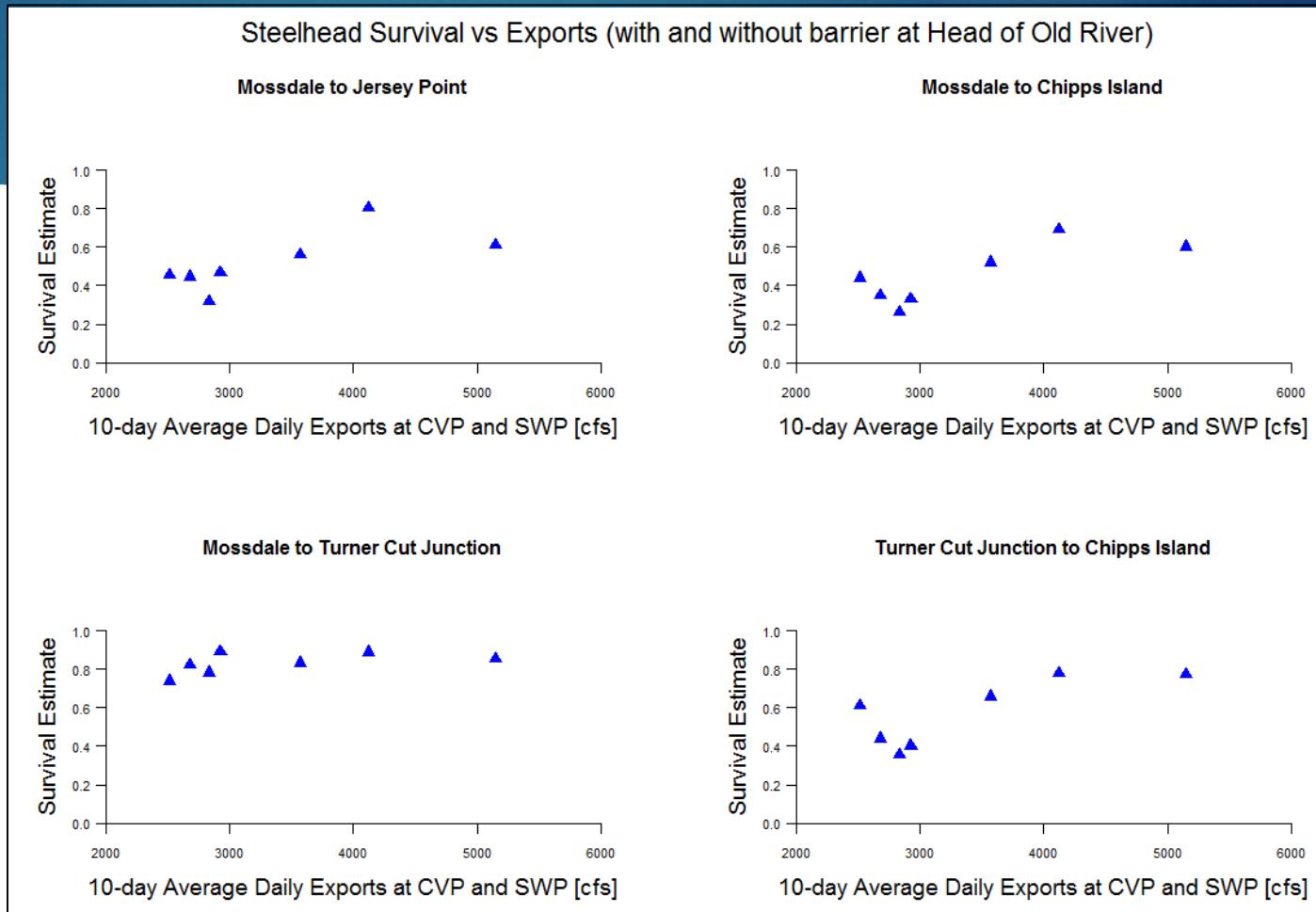


Figure E.6-6. Estimated survival of steelhead based on data from AT tags (2011 and 2012 study years), versus the 10-day average of daily exports at CVP and SWP, regardless of barrier status at the Head of Old River.

#3: PTM appropriately represents altered hydrodynamics indicated by “net” flow

2009 BiOp:

Fate of neutrally buoyant particles (i.e. PTM) demonstrates geographic scope and magnitude of adverse “net” flow effects on juvenile salmonids

New Science:

PTM is not appropriate for assessing hydrodynamic effects to juvenile salmonids (Anderson et al. 2012)

#3: PTM appropriately represents altered hydrodynamics indicated by “net” flow

Independent Expert Panel Review

“The lack of a relationship between fish movement and particle tracking model results and the lack of relationships between inflows/exports and smolt movement/survival suggest that these were insensitive indicators for evaluating effectiveness of Delta operations on salmonids.” (Anderson et al. 2012, p. 31)

#4: Exports and hydrodynamics

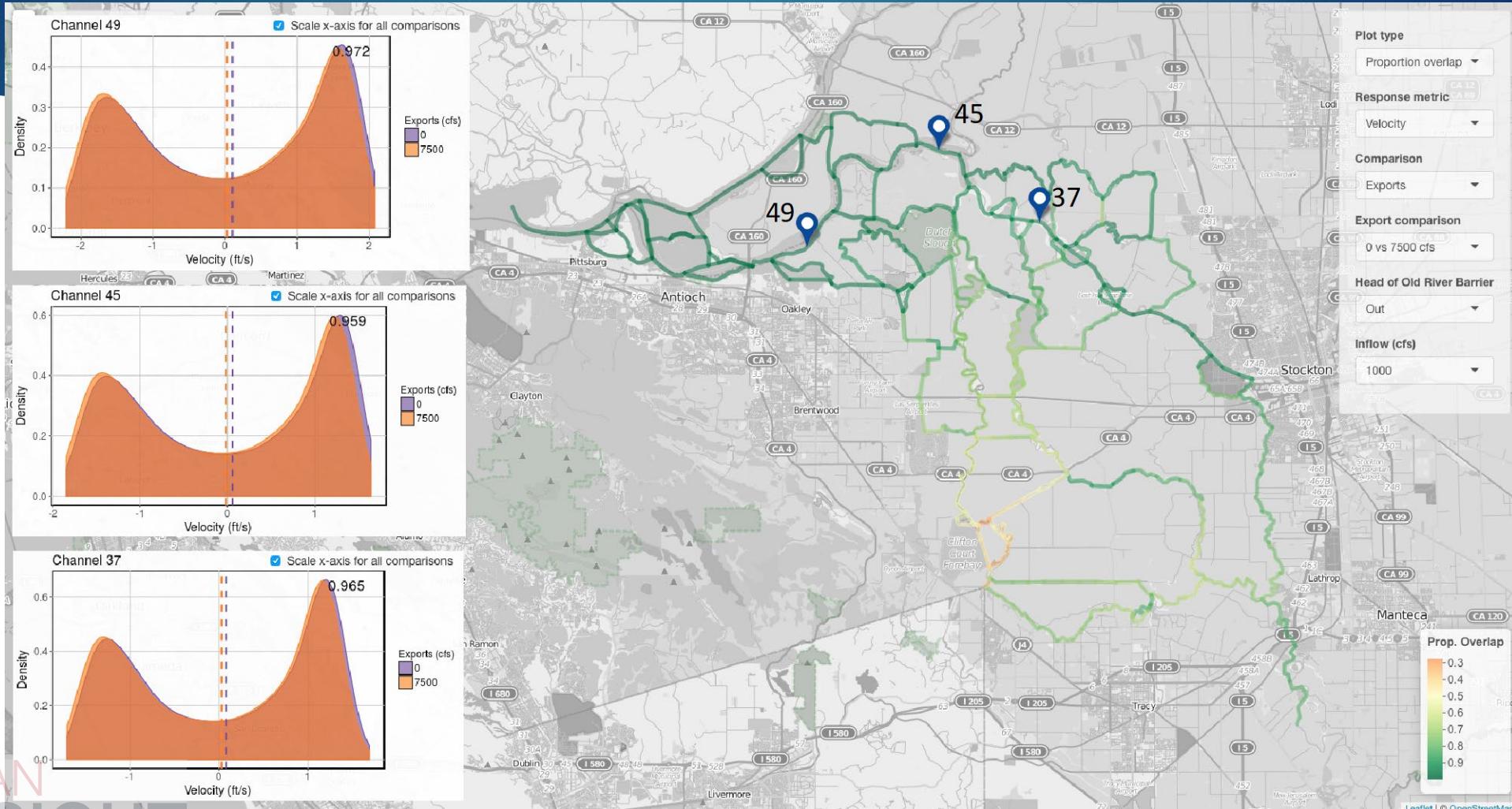
2009 BiOp:

South Delta exports severely alter hydrodynamics throughout the Delta

New Science:

Velocity and flow direction are the export-induced hydrodynamic changes potentially effecting juvenile salmonids, but these effects occur predominantly in the South Delta (SST 2017).

#4: Exports and hydrodynamics



#5: Negative “net” flows draw Sacramento basin fish to the South Delta

2009 BiOp:

The fact that winter-run Chinook salmon are salvaged at the export facilities demonstrates they are drawn there by negative OMR flows

New Science:

Winter run Chinook (Phillis et al. 2018) and Late Fall Chinook (Hearn et al. 2014) often migrate contrary to prevailing currents to find rearing habitat.

#5: Negative “net” flows draw Sacramento basin fish to the South Delta

Independent Expert Panel Review

“The results of tagging studies to date (through the 2012 study), show little correlation between operations and fish movement, and so do not currently support using salmon to manage operations on a weekly basis.” (Anderson et al., 2012, p. 33)

#6: Entrainment loss and “net” flow

2009 BiOp:

Looking at raw salvage data, entrainment losses of juvenile Chinook salmon appear substantial and related to “net” flow.

New Science:

Raw salvage data is unreliable because source population is unknown. Zeug and Cavallo (2014) analyzed > 1000 release groups representing, more than 28 million coded wire tagged juvenile fish including winter, late fall and fall run Chinook salmon.

- They showed entrainment loss (salvage expanded for pre-screen mortality) was very low (mean 0.1%) and contributed little to through-Delta migration mortality.

#7: Winter-run Chinook entrainment loss rates

2009 BiOp:

More than 20% of juvenile winter-run Chinook may be lost to entrainment at export facilities.

New Science:

Kimmerer (2008) relied upon volume-based expansions, and over-estimated proportional loss of late-fall Chinook (winter Chinook surrogates) to exports by five to eight times (see Pyper et al. 2013).

Zeug and Cavallo (2014) using a better dataset and methodology estimate a mean entrainment loss of 0.1% for winter-run Chinook juveniles.

#8: “Net” flow and juvenile salmonid survival

2009 BiOp:

More positive “net” flow will improve survival of juvenile salmonids.

New Science:

San Joaquin Basin Chinook acoustic studies show survival remained poor even with positive “net” flows (Buchanan et al. 2018), and survival was better with higher CVP export rates.

Sacramento Basin Chinook acoustic studies indicate survival is unrelated to “net” flow in the tidal Delta (Perry et al. 2018).

Reduced CVP exports are associated with poor survival because fewer fish are salvaged (Buchanan et al. 2018; Karp et al. 2017; Moyle 2018)

#8: “Net” flow and juvenile salmonid survival

EXAMPLES

“...the lack of relationships between OMR inflows/exports and smolt movement/survival suggest that these were insensitive indicators for evaluating effectiveness of Delta operations on salmonids.” (Anderson et al. 2012, p. 31)

#9: BiOp expectations about acoustic tagging studies

2009 BiOp:

Acoustic tagging studies will affirm importance of “net” flow for juvenile salmonids in the Delta.

New Science:

The exact opposite has occurred. No acoustic tagging studies (including those specifically required in the BiOp) have shown exports or “net” flows in the tidal Delta influence the survival of juvenile salmonids.

#: 10 Negative “net” flows disrupt juvenile salmonid navigation

2009 BiOp:

Negative “net” flow pulls juvenile salmonids into the South Delta, leading to indirect mortality even when entrainment does not occur.

New Science:

Very few acoustically tagged fish are detected moving toward the South Delta (Arnold Ammann, NMFS-SWFSC)

Juvenile salmonids exhibit ability to navigate independent of currents (Putman et al. 2014; Burke et al . 2013)

Juvenile salmonids navigate through the Delta using their ability to distinguish between ebb and flood tides (NMFS 2018)

#: 10 Negative “net” flows disrupt juvenile salmonid navigation

Independent Expert Panel Review

Monismith et al. (2014) : “**...a number of environmental variables that are routinely monitored in the Delta and correlated with indices of fish abundance and distribution are variables that the fish cannot directly detect. For example, fish do not detect “flow” but they can detect the velocity associated with flow.**”

“The clues that Chinook salmon smolts use to find direction when migrating through the Delta are not known. Given their sensory capabilities, however, smolts should be able to determine direction of flow using visual and tactile clues and distinguish between ebbing and flooding tides on the basis of water chemistry. Drifting or swimming with the flow is a primary mode of downstream movement in rivers. Moving with the current is not an efficient tactic in the Delta because tides cause reversals of current direction approximately every six hours and also create complex and potentially confusing patterns of water flow around islands.” Monismith et al. (2014)

#11: Delta Action 8 Study

2009 BiOp:

Analysis of CWT data from the Delta Action 8 study (Newman and Brandes 2010) shows exports are associated with decreased survival of juvenile salmon.

New Science:

Monismith et al. (2014) concluded about Newman and Brandes (2010), “the importance of water exports relative to environmental conditions was not clear.”

Mechanisms by which export-altered hydrodynamics could influence juvenile salmon (as described by the SST 2017) do not occur in the portion of the Delta studied by Newman and Brandes (2010).

CONCLUSIONS & RECOMMENDATIONS

Additional export restrictions required by the I:E ratio are not benefitting juvenile salmon as was expected.

Though studies should continue, a -5,000 OMR limit appears to provide adequate protection for Delta juvenile salmonids.

An annual take limit for known/identifiable salmon and steelhead stocks provides a way to limit exports if excessive entrainment losses occur.

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From: Durst, Garrett
To: Paul Souza (paul_souza@fws.gov)
Subject: [EXTERNAL] Rep. Garamendi Sacramento River Legislation
Date: Thursday, August 2, 2018 11:08:56 AM
Attachments: Version 3 - GARAME_068 xml (002).pdf

Hi Paul,

I hope that this email finds you well. Attached you will find a draft bill titled “The Sacramento River Mainstem Integrated Water Management Plan Act of 2018” that I am working on for my boss. The intent of the legislation is to create a more collaborative framework to implement a water and habitat management plan on the Sacramento River, similar to what has been done in the Yakima Basin in the state of Washington.

I have sent the draft to the legislative affairs folks over at NMFS, USBR and at USFWS for technical drafting assistance but I also wanted to make sure you had a copy of it in the event you had any thoughts that you might be willing to contribute – especially given your experience with this type of collaborative work in the Everglades.

There’s really no rush in terms of timing as a couple of the agencies have indicated that it will take at least three weeks to pull together their thoughts and comments on the legislation but my boss would like to be ready to move the bill in early September.

Thanks a ton and I look forward to the feedback.

Garrett Durst

Deputy Chief of Staff & Legislative Director
Rep. John Garamendi (CA-03)
2438 Rayburn House Office Building
Washington, DC 20515
(202)-225-1880

.....
(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

To authorize the Sacramento River Mainstem Integrated Water Management Plan for the purpose of improving water management and enhancing environmental protection in the mainstem of the Sacramento River and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GARAMENDI introduced the following bill; which was referred to the Committee on

A BILL

To authorize the Sacramento River Mainstem Integrated Water Management Plan for the purpose of improving water management and enhancing environmental protection in the mainstem of the Sacramento River and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sacramento River
5 Mainstem Integrated Water Management Plan Act of
6 2018”.

1 SEC. 2. PURPOSES.

2 The purposes of this Act are—

3 (1) To develop and implement a comprehensive

4 water and habitat management plan that will—

5 (A) protect and enhance fish and wildlife

6 in the mainstem of the Sacramento River;

7 (B) improve the availability and reliability

8 of water supplies and instream flows for agri-
culture, municipal and industrial purposes and

9 the benefit of Sacramento River Mainstem-de-
pendent fish and wildlife through integrated

10 water and habitat management;

11 (C) protect and enhance the available fish

12 and wildlife habitat in the mainstem of the Sac-
ramento River; and

13 (D) strengthen the organization, structure,

14 transparency and accountability of actions and
activities undertaken by Federal, state and local

15 agencies on and affecting the mainstem of the
Sacramento River, including operational deci-

16 sions associated with the Central Valley Project
and the California State Water Project.

17 (2) To develop an integrated science and moni-

18 toring program that will inform operational decisions
associated with the Central Valley Project and the

19 California State Water Project and the protection

1 and enhancement of salmonid species in the Sac-
2 ramento River Basin.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a corporation;

8 (B) a partnership;

9 (C) a joint venture;

10 (D) a trust;

11 (E) a State, local, or non-Federal govern-
12 mental entity, agency, or instrumentality;

13 (F) a conservancy district, irrigation dis-
14 trict, reclamation district, canal company, mu-
15 tual water company, water users“ association,
16 water users” non-profit corporation, Indian
17 tribe, agency created by interstate compact, or
18 any other entity that has the capacity to con-
19 tract with the United States under Federal rec-
20 lamation law.

21 (2) FEDERAL LEADERSHIP COMMITTEE.—The
22 term “Federal Leadership Committee” means Sac-
23 ramento River Mainstem Integrated Water Manage-
24 ment Plan Federal Leadership Committee estab-
25 lished pursuant to section 6.

1 (3) FUND.—The term “Fund” means the Sacramento River Mainstem Integrated Water Management Plan Fund established by section 7.

4 (4) IMPLEMENTATION COMMITTEE.—The term
5 “Implementation Committee” means the Sacramento River Mainstem Integrated Water Management Implementation Committee established pursuant to section 5.

9 (5) PLAN.—The term “Plan” means the Sacramento River Mainstem Integrated Water Management Plan required under section 4.

12 (6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

14 **SEC. 4. SACRAMENTO RIVER MAINSTEM INTEGRATED
15 WATER MANAGEMENT PLAN.**

16 (a) ESTABLISHMENT.—The Secretary, in consultation with the State of California, irrigators, and other interested parties, shall establish and administer a Sacramento River Mainstem Integrated Water Management Plan for the purpose of evaluating, implementing, and monitoring the results of measures in the mainstem of the Sacramento River, its tributaries, and areas served from the Sacramento River to protect and enhance—

24 (1) fish passage;

1 (2) fish and wildlife habitat associated with spe-
2 cies listed as threatened or endangered under the
3 Endangered Species Act of 1973 (16 U.S.C. 1531 et
4 seq.);

5 (3) water management associated with existing
6 irrigation and water management-related structures,
7 flood control structures, and their associated oper-
8 ations;

9 (4) surface water storage;

10 (5) water banks and water transfers;

11 (6) groundwater management; and

12 (7) water conservation.

13 (b) GRANTS, CONTRACTS AND OTHER AGRE-
14 MENTS.—The Secretary may make grants, enter into con-
15 tracts, cooperative agreements, memorandums of under-
16 standing, or other agreements with non-Federal eligible
17 entities for the purposes of carrying out this Act under
18 such terms and conditions as the Secretary may require.

19 (c) COST SHARING.—

20 (1) FEDERAL SHARE.—The Federal share of
21 the costs of individual projects carried out pursuant
22 to this Act shall be the lesser of 50 percent of total
23 project costs or \$15,000,000 (adjusted for inflation),
24 and shall be nonreimbursable.

1 (2) IN-KIND CONTRIBUTIONS.—The non-Fed-
2 eral share of the cost of projects and programs car-
3 ried out pursuant to this Act may include “in-kind”
4 contributions to the planning, design, and construc-
5 tion of such projects and programs.

6 (3) OPERATION AND MAINTENANCE.—A non-
7 Federal entity entering into a financial assistance
8 agreement under subsection (b) shall be responsible
9 for the costs of operating and maintaining any facili-
10 ties constructed with assistance provided under this
11 Act.

12 **SEC. 5. SACRAMENTO RIVER MAINSTEM INTEGRATED**
13 **WATER MANAGEMENT PLAN IMPLEMENTA-**
14 **TION COMMITTEE.**

15 (a) ESTABLISHMENT.—Not later than 12 months
16 after the date of the enactment of this Act, the Secretary,
17 in consultation with the State of California, the Sac-
18 ramento River Settlement Contractors, which is a Cali-
19 fornia nonprofit mutual benefit corporation, and other in-
20 terested and related parties, shall establish the Sac-
21 ramento River Mainstem Integrated Water Management
22 Plan Implementation Committee.

23 (b) MEMBERS.—Members of the Implementation
24 Committee shall be appointed by the Secretary and shall
25 be comprised of—

- 1 (1) one representative of the Bureau of Rec-
- 2 lamation;
- 3 (2) one representative of the Fish and Wildlife
- 4 Service;
- 5 (3) one representative of National Oceanic and
- 6 Atmospheric Administration Fisheries;
- 7 (4) one representative of the Army Corps of
- 8 Engineers;
- 9 (5) one representative of the Natural Resource
- 10 Conservation Service;
- 11 (6) one representative of the Department of
- 12 Fish and Wildlife of the State of California;
- 13 (7) one representative of the California Natural
- 14 Resources Agency;
- 15 (8) one representative of the California State
- 16 Water Resources Control Board;
- 17 (9) one representative of the Central Valley
- 18 Flood Protection Board;
- 19 (10) one representative of the Sacramento
- 20 River Settlement Contractors, a California nonprofit
- 21 mutual benefit corporation;
- 22 (11) one representative of the Central Valley
- 23 Project water services contractors who rely upon
- 24 water diverted through facilities directly connected

1 to the Sacramento River and are within the Central
2 Valley Project's Sacramento River Division;

3 (12) one representative of environmental inter-
4 ests; and

5 (13) one individual who shall serve as a
6 facilitator.

7 (d) RESPONSIBILITIES.—The Implementation Com-
8 mittee shall provide recommendations to the Secretary and
9 to the State of California regarding the structure and im-
10 plementation of the Plan. Such structure shall include a
11 science and monitoring program that seeks to generate in-
12 formation that will help improve Central Valley Project
13 operations and improve the recovery of salmonid species
14 found in the Sacramento River Basin and listed as threat-
15 ened or endangered under the Endangered Species Act of
16 1973 (16 U.S.C. 1531 et seq.). The science and moni-
17 toring program shall—

18 (1) use the best available science and tech-
19 nology; and

20 (2) require collaboration and sharing of infor-
21 mation among those carrying out studies, research,
22 and monitoring activities.

23 (c) FACILITATOR.—The facilitator shall arrange for
24 meetings of the Implementation Committee, provide

1 logistical support, and serve as moderator for the meet-
2 ings.

3 (d) VOTING.—The Implementation Committee shall
4 be nonvoting, seeking consensus whenever possible.

5 (e) FEDERAL AGENCY DISPUTES.—When inter-
6 agency conflicts, disputes, or differences cannot be re-
7 solved at the local or regional levels within one or more
8 Federal entities, the Implementation Committee shall
9 raise such issues to the Federal Leadership Committee.

10 **SEC. 6. SACRAMENTO RIVER MAINSTEM INTEGRATED**
11 **WATER MANAGEMENT PLAN FEDERAL LEAD-**
12 **ERSHIP COMMITTEE.**

13 (a) ESTABLISHMENT.—Not later than 12 months
14 after the date of the enactment of this Act, the Secretary,
15 shall establish the Sacramento River Mainstem Integrated
16 Water Management Plan Federal Leadership Committee,
17 which shall be led by the Assistant Secretary of the De-
18 partment of the Interior for Water and Science, who will
19 coordinate the members of the Federal Leadership Com-
20 mittee representing the relevant Federal agencies with an
21 interest in the Sacramento River Mainstem Integrated
22 Water Management Plan. The Assistant Secretary for
23 Water and Science shall also coordinate at the appropriate
24 Departmental levels as deemed necessary to ensure effec-
25 tive collaboration and communication in support of the

1 Sacramento River Mainstem Integrated Water Manage-
2 ment Plan Federal Leadership Committee.

3 (b) DUTIES.—The Federal Leadership Committee
4 shall—

5 (1) assist the Implementation Committee in its
6 efforts to advance the Plan;

7 (2) ensure effective coordination across relevant
8 Federal agencies and departments; and

9 (3) provide assistance on policy and budgetary
10 issues of national scope.

11 (c) MEMBERS.—The following agencies shall be rep-
12 resented on the Federal Leadership Committee by a Dep-
13 uty Director (or Designee) or higher level:

14 (1) United States Bureau of Reclamation.

15 (2) United States Fish and Wildlife Service.

16 (3) National Ocean and Atmospheric Adminis-
17 tration Fisheries.

18 (4) United States Army Corps of Engineers.

19 **SEC. 7. CENTRAL VALLEY PROJECT RESTORATION FUND**
20 **CONTRIBUTIONS AND AUTHORIZATION OF**
21 **APPROPRIATIONS.**

22 (a) AUTHORIZATION FOR USE OF FUNDS.—To fund,
23 in part, work associated with evaluating, implementing,
24 and monitoring the results of the Plan, the Secretary is
25 authorized use to not more than \$7,000,000 each fiscal

1 year from the Central Valley Project Restoration Fund
2 contributed by Sacramento River Settlement Contractors
3 and Central Valley Project Water Service Contractors who
4 divert water directly from the mainstem of the Sacramento
5 River and are located within the Sacramento River Divi-
6 sion of the Central Valley Project.

7 (b) FUND.—

8 (1) IN GENERAL.—There is hereby established
9 within the Treasury of the United States a fund to
10 be known as the “Sacramento River Mainstem Inte-
11 grated Water Management Plan Fund”, into which
12 the following amounts shall be deposited and used
13 solely for the purpose of developing and imple-
14 menting the Plan:

15 (A) All payments received pursuant to sec-
16 tion 3407 of the Reclamation Projects Author-
17 ization and Adjustment Act of 1992 (Public
18 Law 102–575; 106 Stat. 4721).

19 (B) Proceeds from the sale of water pursu-
20 ant to the Plan.

21 (C) Any non-Federal funds, including
22 State, cost-sharing funds, contributed to the
23 United States for implementation of the Plan,
24 which the Secretary may expend without fur-

1 ther appropriation for the purposes for which
2 such funds were contributed.

3 (2) AVAILABILITY.—Amounts deposited into the
4 Fund pursuant paragraph (1) are authorized to be
5 appropriated to implement the Plan and shall be
6 available for expenditure without further appropria-
7 tion.

8 (c) OPERATION AND MAINTENANCE APPROPRIA-
9 TIONS.—There is hereby authorized to be appropriated to
10 the Secretary such sums as may be necessary for that por-
11 tion of the operation and maintenance of any project or
12 program associated with the implementation of the Plan
13 determined by the Secretary to be a Federal responsibility.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
15 tion to the funds made available under subsection (a),
16 there are authorized to be appropriated \$25,000,000 to
17 carry out the purposes and provisions of this Act. Funds
18 made available under this subsection shall be considered
19 a nonreimbursable Federal expenditure.

From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: [EXTERNAL] Three Things You May Have Missed This Week
Date: Saturday, December 15, 2018 8:54:20 AM



Friends,

A lot happened this week in the Senate. From passing [legislation supporting farmers and ranchers](#) to securing important resources to [repair damaged roadways in West Virginia](#) and so much more, the Senate was focused on a whole range of issues. Among the top issues was border security. Securing our borders should be a no-brainer, which is why I've been working hard to deliver the Department of Homeland Security and law enforcement the resources they need to keep Americans safe.

Click [here](#) or the image below for more, and keep scrolling for additional updates.



Connecting Rural America

Connectivity is essential for individuals, families, students, businesses, and communities to succeed. Without access to reliable and affordable high-speed internet, rural communities and rural states like West Virginia are being left behind—especially when it comes to education, health care, job creation and retention, and overall economic potential. Earlier this week, I joined Agriculture Secretary Sonny Perdue in announcing a new rural broadband program, known as the ReConnect Program, which will help encourage high-speed internet e-connectivity in rural communities. Programs like this one and other efforts I've been working to promote through my Capito Connect initiative can help us close the digital divide, improve the lives of those living in our rural communities, and grow and diversify our economy. That's exactly why I worked hard to ensure funding for the ReConnect Program was included in the FY2018 funding agreement and will continue to push for similar resources.

How it works: USDA will offer up to \$600 million in loans and grants to help build broadband infrastructure in rural America.

Who can apply: Telecommunications companies, rural electric cooperatives and utilities, internet service providers and municipalities may apply to USDA's new program for funding to connect rural areas that currently have insufficient broadband service.

Click [here](#) to learn more about the program, application requirements and deadlines, and additional USDA resources to help potential applicants.

Revitalizing West Virginia Communities

You've probably heard me talk about Opportunity Zones and how they can be a game changer for West Virginia. I really do believe this a way to drive economic growth in the parts of our state that need it most. Just this week, I joined Treasury

Secretary Steven Mnuchin and several of my colleagues to discuss Opportunity Zones and the positive impact they can have on our state and local economies.



[Graphic from The White House's official [Twitter](#) account.]

President Donald Trump has also been a strong proponent of this provision and has taken several steps to make sure we seize this opportunity. Just this week, the president created [the White House Opportunity and Revitalization Council](#), which will help maximize revitalization of and coordination for needy communities in West Virginia and throughout America. I'm proud President Trump has prioritized economic development and is encouraging innovative solutions like Opportunity Zones, and I'll continue working with the administration, as well as local and state leaders, to grow the economy and create more jobs and opportunity throughout our state. Click [here](#) to learn more.

Securing Our Borders

Protecting and securing our borders is something I have long been committed to. As head of the subcommittee that determines funding for the Department of Homeland Security, I've worked hard to make sure they have the resources they need to accomplish that; and the government funding bill I authored this year provides significant funding—the amount the administration had requested—to support our national security priorities. Failure to better secure our border will have consequences for all American communities, including West Virginia. I spoke about this on the Senate floor earlier this week and outlined exactly what the problem is, how it's impacting communities in West Virginia and across America, and why a border wall system works. Click [here](#) to watch the speech and click [here](#) or the image below to hear what I had to say about the issue on FOX News.



How Can We Help?

Whether you need help with a casework issue or have a question about [scheduling a meeting](#) at one of [my offices](#), my staff and I are ready to assist you. Learn more about the services we offer at www.capito.senate.gov.

You can also submit your feedback and [share your stories](#) with me by visiting my "Share Your Stories" webpage here: www.capito.senate.gov/ShareYourStories.

Social Media Recap





Join me on [Facebook](#), [Twitter](#), and [Instagram](#) for regular updates and photos.

Sincerely,



Shelley Moore Capito
United States Senator



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From: [Watts, John \(Feinstein\)](#)
To: [Paul Souza](#)
Subject: [EXTERNAL] Time-sensitive: Confidential draft Feinstein letter to Sec. Zinke re Don Pedro relicensing
Date: Thursday, June 7, 2018 4:18:33 PM
Attachments: [fws ltr relicensing 6718.docx](#)
[Modesto Turlock letter to Feinstein 5-31-18.pdf](#)
[Fall-Run Chinook Benefits Comparison v5.pdf](#)
[Omykiss Benefits Comparison v5.pdf](#)

Paul,

When we met a few weeks ago, I promised I would send you a draft of Senator Feinstein's proposed letter to Secretary Zinke regarding the Don Pedro relicensing, before I sent the letter. It took longer than I expected to draft the letter and get her approval, but here it is. I have also attached a letter that Modesto and Turlock sent to the Senator at her request, which she intends to attach to her letter to Secretary Zinke to provide additional information on the issue. Lastly, I have attached two charts attached to the Modesto/Turlock letter.

Senator Feinstein has also approved a letter to Secretary Ross which is substantially similar on NMFS' flow recommendations, and includes an additional section on NMFS' future fish passage proposal.

Can you review this by tomorrow and let me know if you have any concerns with it? I realize you are always super busy and apologize for the short turn-around. Please let me know if this timeline is workable.

I appreciate all you do and would value your advice or thoughts on this issue. Feel free to call me anytime at 202-224-7261 direct, or ^{(b) (6)} cell.

John

June 8, 2018

The Honorable Ryan Zinke
Secretary
Department of the Interior
1849 C Street, Avenue NW
Washington, D.C. 20240

RE: Don Pedro Hydroelectric Project, P-2299

Dear Mr. Secretary:

I urge you to direct the Fish and Wildlife Service (FWS) to reconsider its proposal for the hydroelectric relicensing of Don Pedro Reservoir. FWS could achieve much greater benefits for the salmon and steelhead at less than half the water cost, based on the proposal put forth by licensees Modesto and Turlock Irrigation Districts.

There is a clear path laid out by the Federal Energy Regulatory Commission (FERC) for FWS to improve its proposal. FERC has stated that while it does not control other federal agencies in the hydroelectric relicensing process, it “fully expect(s) these entities to participate in the integrated process in good faith.” (See FERC’s Integrated Licensing Process (ILP) 2003 Final Rule at ¶ 207¹.) Yet for some inexplicable reason, FWS has declined to use the suite of computer models that were ordered by the FERC and developed with FWS input for evaluating proposals to improve the Toulumne River fishery. I urge you to direct FWS to comply with FERC’s expectation and work with the integrated models to revise its relicensing proposal.

FERC has already directed the licensees to evaluate FWS’ proposals using the models developed by the collaborative ILP. The results indicate that FWS would achieve only 68% of the benefits for fall-run chinook salmon and only 64% of the benefits for steelhead (*O. Mykiss*) in the licensees’ proposal – at two and a half times the water cost. See attached letter from licenses to Senator Feinstein at pages 2-3 and charts attached to the letter (benefits to fish measured in terms of smolt productivity per female spawner).

¹ *Hydroelectric Licensing under the Federal Power Act*, Order No. 2002, 104 FERC ¶ 61,109 (July 23, 2003) (“ILP Final Rule”).

It is unclear why FWS did not rely upon, or even acknowledge, the \$30 million dollars of Tuolumne River specific hydrological and ecological studies undertaken by the licensees. I would request that FWS follow the FERC-approved Tuolumne River specific study plan and provide its input to the FERC-approved models that were developed “to keep disputes to a minimum”² and “that continue to ensure adequate resources protections through coordination.”³

Mr. Secretary, California and the West face a challenging water future. The demands of an ever-expanding population, a robust agricultural economy, and a fragile ecosystem demand that we evaluate and approve future allocations of water on a scientifically sound and intellectually balanced basis. I urge FWS to work with the detailed models developed through the FERC process to develop such well-grounded proposals for this dam relicensing.

I respectfully ask that you look into this matter, and once you are in a position to do so, I would welcome the chance to visit with you about it personally. I have asked that this communication be made a part of the official record in this proceeding, and I would request that you do likewise in any response you may issue.

Thank you for your consideration, and I look forward to our discussion.

Sincerely,

Dianne Feinstein
United States Senator

DF:jw

Attachment:
Modesto/Turlock letter

² ILP Final Rule at ¶ 201.

³ ILP Final Rule at ¶ 157.



May 31, 2018

The Honorable Dianne Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington, D.C. 20510

RE: Don Pedro Project Relicensing
Tuolumne River, California

Dear Senator Feinstein,

We write to thank you for meeting with Turlock Irrigation District and Modesto Irrigation District (the “Districts”) and the San Francisco Public Utility Commission (“SFPUC”) on May 15 regarding your continued interest in the relicensing of the Don Pedro Hydroelectric Project (the “Don Pedro Project”), currently pending before the Federal Energy Regulatory Commission (“FERC” or “Commission”). We would like to take this opportunity to bring to your attention our concerns with the proposed license conditions recommended by National Marine Fisheries Service (“NMFS”) and the United States Fish and Wildlife Service (“USFWS”) in the relicensing process for the Don Pedro Project.

As you are aware, the Districts and relicensing participants utilized FERC’s Integrated Licensing Process (“ILP”) to identify data gaps, collaboratively develop studies to address the data gaps, and develop models and other tools to develop and evaluate potential license conditions. The ILP was developed by FERC in 2003 to “provide a predictable, efficient, and timely licensing process that continues to ensure adequate resource protections.”¹ A core component of this process is “early issue identification and resolution of studies needed to fill information gaps, avoiding studies post-filing.”² The ILP Final Rule and implementing regulations establish a robust process to achieve this goal, providing a detailed roadmap by which applicants, agencies, and interested parties participate in the development of a FERC-approved study plan, including initial information gathering and draft study plans, study plan meetings, multiple opportunities to comment and modify, and informal and formal study dispute resolution processes.³

This process culminates in a FERC-approved study plan, the purpose of which is to “bring, to the extent possible, pre-filing finality to the issue of what information gathering and studies will be required by the Commission to provide a sound evidentiary basis on which the Commission and other participants in the process can make recommendations and provide terms and conditions.”⁴

¹ *Hydroelectric Licensing under the Federal Power Act*, Order No. 2002, 104 FERC ¶ 61,109 (July 23, 2003) (“ILP Final Rule”).

² FERC Integrated Licensing Process, available at <https://www.ferc.gov/industries/hydropower/gen-info/licensing/ilp.asp>.

³ See 18 CFR Part 5.

⁴ ILP Final Rule at p.78.

Indeed, it was FERC’s “hope and expectation that this consensus-building process will succeed … in keeping disputes regarding studies to an absolute minimum, such that all participants can meet their information needs with the study plan as approved by the Director, without the need for further proceedings.”⁵

Further, the ILP is the Commission’s default process for the licensing and relicensing of non-federal hydroelectric projects and that, as FERC notes in its ILP Final Rule, “orders regarding study plans are binding on potential license applicants, and we expect that they will comply with them. Failure to do so will put potential applicants at risk of having their applications, when filed, found to be deficient or rejected.”⁶ And although the Commission lacks the authority to control or limit federal agency authorities under other statutes, FERC nevertheless:

“…fully expect[s] these entities to participate in the integrated process in good faith in order that the Commission’s decisional record will, to the extent reasonably possible, serve as the basis for the decisions of entities with conditioning authority, and that any additional information these entities may require is known early in the process.”⁷

The ILP for the Don Pedro Project was a multi-year, comprehensive effort undertaken by the Districts in cooperation with numerous federal and state resource agencies, Indian tribes, and members of the public to identify and assess the effects of ongoing Don Pedro Project operations on environmental resources. As part of this effort, the Districts worked closely with the various relicensing participants to compile and review existing information and conduct more than 30 FERC-approved resource studies, including holding 20 Consultation Workshops, covering a complete range of environmental resources in the Don Pedro Project area. The Districts also developed seven (7) site-specific, FERC-approved models to evaluate the expected fishery benefits associated with any proposed license condition, as well as to identify any expected impacts to water supply and the associated socio-economic impact of any proposed license condition. The Districts have invested over \$30M to date on the studies, the Workshops, and the models, and such information served as the basis for much of the Districts’ *Tuolumne River Management Plan*, the environmental and recreation component of their amended final license application.

Nonetheless, in developing their recommended license conditions, neither NMFS nor USFWS relied upon the results of the over 30 site-specific studies ordered by FERC. Similarly, neither NMFS nor USFWS utilized the seven (7) FERC-ordered models to evaluate either the expected benefits of their recommendations or the associated water supply and socio-economic costs. Indeed, as a result of such failure, FERC directed the Districts to evaluate the expected costs and benefits of the NMFS and USFWS recommendations using the FERC-ordered models, and to submit the results to FERC by May 14, 2018.

As we discussed, USFWS has proposed instream flow releases that are more than 245% higher than are currently required to be released, and are more than 150% higher than those proposed by the Districts in the *Tuolumne River Management Plan*. Similarly, NMFS has recommended instream flow releases that are more than 218% higher than are currently required to be released, and are more

⁵ *Id.* at p. 201.

⁶ *Id.* at p. 200.

⁷ *Id.* at p. 207.

than 135% higher than those proposed by the Districts in the *Tuolumne River Management Plan*. (See summary bar graphs attached). Additionally, both agencies have recommended several non-flow measures, including adding over 750,000 cubic yards of gravel (USFWS, p. 82, NMFS, p. 30), placement of large woody material in the river (USFWS, p. 75 [1,600 pieces], NMFS, p. 34-36 [80-100 pieces per year]), planting 520 acres of floodplain with riparian plants (USFWS, p. 82), and other floodplain restoration measures (USFWS, p. 74-77, NMFS p. 31).

Despite the significant increase in required instream flows and the extensive non-flow measures recommended by NMFS and USFWS, neither agency's recommendation is predicted to have as great a benefit to the fishery as will the combination of flow and non-flow measures contained in the Districts' *Tuolumne River Management Plan*. (See summary bar graphs attached). Indeed, while the modeling predicts that both the USFWS and NMFS⁸ recommended license conditions – including both the recommended flow and those non-flow measures that were able to be modeled - would provide some benefits to the fishery when compared to current conditions – an approximate increase of between 63% and 70% in terms of fall-run Chinook salmon smolts per female spawner and an approximate increase of between 3% and 9% in terms of *O. mykiss* young of year per spawner – these benefits pale in comparison to the anticipated increase in both metrics expected under the Districts' proposal. Under the *Tuolumne River Management Plan*, we predict an approximate increase of 150% compared to current conditions in terms of fall-run Chinook salmon smolts per female spawner, and an approximate increase of 60% in terms of *O. mykiss* young of year per spawner. Under the USFWS' flow proposal of more than 150% more water compared to the Districts' *Tuolumne River Management Plan*, the predicted benefit to Chinook salmon and *O. mykiss* is 68% and 64% of the predicted benefit under the Districts' *Tuolumne River Management Plan*, respectively. With respect to NMFS' flow proposal of more than 135% more water compared to the Districts' *Tuolumne River Management Plan*, the predicted benefit to Chinook salmon and *O. mykiss* is 65% and 68% of the predicted benefit under the Districts' *Tuolumne River Management Plan*, respectively.

The outcome of the modeling in terms of the predicted fishery benefit from the Districts' Tuolumne River Management Plan is due to the fact that the Districts developed a thoughtful, coordinated and integrated flow and non-flow strategy that specifically addressed the limiting factors identified through decades of study on the Tuolumne River for these fish species. The proposal focuses on growing fish in the upper 25 miles of the lower Tuolumne River by taking advantage of in-channel rearing habitat, with flows designed to keep fish in-channel during rearing, and timing spring pulse flows to assist the outmigration of juvenile salmonids when they are large enough to have the best chance of survival in their migration to the Pacific Ocean. Summer flows were developed to maintain river temperatures for over-summering *O. Mykiss*. The non-flow measures were thoughtfully crafted to boost the benefits of the flow proposal. For example, there are measures to

⁸ Some of NMFS' recommended non-flow measures were not detailed enough to be modeled. As such, in an effort to get as close to an “apples to apples” comparison as possible with the results of the modeled flow and non-flow measures of both the Districts and USFWS, the Districts modeled the NMFS' flow recommendation with the similar but not identical non-flow measures recommended by USFWS (gravel amount, woody material augmentation). Therefore, while the Districts contend that the depicted results for the NMFS' flow and non-flow recommendation are very close to results that would be obtained if NMFS' recommended non-flow measures could be modeled, it is possible that such an exercise would result in some deviation from what is depicted here. Because the NMFS' non-flow recommendations could not be modeled, the attached depiction is not contained in the Districts' May 14, 2018 filing. The Districts' anticipate filing this depiction with FERC, along with a detailed description and explanation, in the next few weeks.

reduce the effects of predation on rearing and outmigrating fish. Such measures control predator access to the gravel rearing reach, and suppress predation during outmigration through use of a barrier weir and removal activities like fishing derbies and bounties. Gravel augmentation improves the spawning gravels, and placement of boulders improves channel complexity. The use of an infiltration gallery allows increased summertime flows by being able to recapture a portion of those flows downstream where the flows are not necessary for fishery resources. (*See*, generally, Districts' October 11, 2018 AFLA, Exhibit E, Section 5.0, p.5-7 – 5-39, and 5-51 – 5-60).

While the agencies' recommended flow and non-flow measures will have some fishery benefit, they will have significantly high capital costs, far in excess of the capital costs of the non-flow measures recommended in the *Tuolumne River Management Plan*. The Districts' proposed capital improvements, including the predation weir, construction of a second point of diversion at River Mile 26 (the infiltration gallery), gravel augmentation, habitat complexity, gravel cleaning, restoration hatchery and superimposition reduction, are estimated to cost approximately \$78M in 2016 dollars. (Districts' October 11, 2018 AFLA, Exhibit D, Section 4.0, Table 4.0-1). The agencies' non-flow measures, including gravel augmentation, floodplain modification, riparian plantings and large woody debris augmentation, are estimated to cost approximately \$295M in 2018 dollars (*See* Districts' May 14, 2018 filing, pages 54-58; *see also* Attachments L [explaining methodology for estimating gravel cost], N [explaining methodology for estimating unit costs for floodplain restoration], and N [explaining methodology for estimating cost of large woody debris augmentation]).

While the capital costs of the agencies' recommended non-flow measures are significant, they pale in comparison to the devastating socio-economic impacts within the Districts and SFPUC's service area that will result from the agencies' flow recommendations. Under either the NMFS' or USFWS' flow recommendation, the Districts' existing water supply shortages would essentially double during the six year 1987-1992 drought hydrology, increasing from 12% per year to 23% per year for NMFS, or from 12% to 21% for USFWS. (*See* Districts' May 14, 2018 AIR, p. 16 (NMFS), p. 23 (USFWS)). Moreover, the number of years of shortages exceeding 20% would increase from 2 in 42 years to 16 in 42 years, or approximately 40% of the time for NMFS, or to 10 of 42 years, or approximately 25% of the time for USFWS. (*See* Districts' May 14, 2018 AIR, Attachment D, p. 18, Table 6 (NMFS) and Attachment E, p.14, Table 6 (USFWS)). On average, these increases in frequency and scope of shortages cost the Districts' regional economy approximately \$200M each year. (*Id.*, p. 16-17 (NMFS) and p. 23-24 (USFWS) and Attachment K).

For SFPUC, the agencies' flow recommendation under current demands would require imposing up to 40-45% rationing during a repeat of the 1987-92 drought hydrology (SFPUC May 22, 2018 Supplemental Comments, p. 6, Table 1, page 7, Table 2; Exhibit 2, Attachment 1, Table 1), resulting in \$15 billion of reduction in business sales and \$322 million of losses in social welfare, not to mention the loss of over 100,000 jobs in the San Francisco Bay Area. The frequency of rationing for San Francisco will also increase under these flow proposals from the Base Case of 6 in 42 years (14%) to 14 in 42 years (33%). (SFPUC's May 22, 2018 Supplemental Comments, p. 11-13, tables 3, 4 and 5; *see also* Districts' May 14, 2018 AIR, p.16 (NMFS) and p. 23-24 (USFWS)).

In addition to the significant issues noted above that are common to both the USFWS' and NMFS' flow and non-flow recommendations, NMFS has recommended that the Districts conduct 7 years of additional study concerning fish passage at the Don Pedro Project and the reintroduction of salmon and steelhead to the Tuolumne River upstream of Don Pedro Reservoir. (NMFS January 29, 2018 Preliminary Prescriptions and 10(j) Recommendations, p. 40-51). These studies are completely

unnecessary for three reasons. First, reintroduction is a policy goal of NMFS (*See* NMFS' July 2014 *Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-Run Chinook Salmon and Central Valley Spring-Run Chinook Salmon and the Distinct Population Segment of California Central Valley Steelhead*), designed to address decades of salmonid decline in the Central Valley, which has little to do with addressing the impacts of the Don Pedro Project, which is the scope of the current relicensing process.

Second, they are not designed to provide information upon which NMFS will make a future decision on whether or not to require passage and reintroduction. Rather, they are designed to provide information to support NMFS' current decision to require passage and reintroduction in the future. Indeed, the description of NMFS' rationale for the recommended studies is replete with indications that the studies are nothing more than a post-hoc rationalization of an already-made decision to require passage. NMFS says things like a fish passage committee is needed to "establish a Fish Passage Plan that will...result in fishway facilities" (p. 41) and that the "ultimate goal [of the recommended studies] is to create facilities and operations that provide successful fish passage." (NMFS January 29, 2018 Preliminary Prescriptions and 10(j) Recommendations, p. 40; *see also* page 45 [recommended pilot program's observation will be used for "the reintroduction of CCV steelhead and CV spring-run Chinook salmon into preferred habitats upstream of Don Pedro Reservoir.]).

Third, the studies that have already been conducted and submitted into the FERC record by the Districts demonstrate that fish passage is technically infeasible and that the existing habitat is unsuited for the establishment of a viable population of salmonids. For example, FERC-ordered the Districts to evaluate the technical feasibility of upstream and downstream passage at the Don Pedro Project. At the conclusion of the study, the Districts determined that passage is technically infeasible, primarily due to the (1) the inability of juvenile downstream migrants to survive the journey through Don Pedro Reservoir to any collector located in the reservoir or at Don Pedro Dam (*See* Districts' Fish Passage Facilities Alternatives Assessment, p. 4-16 – 4-29, and 5-1 – 5-2 [attached to Districts' October 11, 2017 La Grange FLA as Attachment C]), and (2) the new, untested and completely experimental and thus infeasible nature of collectors located at the head of reservoir. (*Id.* at p. 4-73 – 4-86, 5-3 – 5-4). NMFS' own consultant, Anchor QEA, agreed that survival through Don Pedro Reservoir was too difficult (Anchor QEA Report, p. 19), and recommended a facility at the head of the reservoir utilizing what NMFS describes as "experimental technology." (*Id.*, p. 60-61). Despite the findings of the Districts' FERC-ordered study and that of its own consultant, NMFS seeks to require the Districts to do a further study as a condition of the new license to "determine whether the concept of a head-of-reservoir juvenile collector system is feasible." (NMFS January 29, 2018 Preliminary Prescriptions and 10(j) Recommendations, p. 49).

In terms of habitat, the Districts conducted a study of potential physical barriers to migration by adult salmonids upstream of Don Pedro Reservoir. The study, which included field surveys by 2 and 3 man crews as well as review of 6 months of photography taken by remote cameras, showed that there are complete barriers located in every upstream tributary, approximately 2 miles or less from the confluence with the Tuolumne River. (*See* Upper Tuolumne River Basin Fish Migration Barriers Study, p. 6-2 [attached to La Grange FLA as Attachment C]). The significance of this study is that any potential habitat for reintroduced salmonids is located in the approximately 25 miles between Don Pedro Reservoir and SFPUC's Early Intake.

The Districts evaluated the available habitat between Don Pedro Reservoir and Early Intake and found it unsuitable for spawning and rearing of salmonids due to the peaking flows released by SFPUC's facilities. Such flows, which result in dramatic and rapid changes in depth, breadth and velocity, would result in the significant dewatering of salmonid nests (redds), as well as the stranding of any juvenile fish lucky enough to be born. (Upper Tuolumne River Instream Flow Study, p. 5-70 – 5-102, 6-3 – 6-5 [attached to La Grange FLA as Attachment C, Appendix H]). Indeed, the Districts found that SFPUC's peaking can result in stage changes of more than 30 inches per hour (Districts' March 15, 2018 Reply Comments, Attachment C, Feasibility of Successfully Introducing Anadromous Fish to The Upper Tuolumne River Basin, p. 3-5 – 3-6), far in excess of the 1-2 inches per hour ramping rate found by scientists to be appropriate for fish. (See, e.g., FERC DEIS for Klamath Hydroelectric Project, p. 3-231 ["A down-ramp rate of 2 inches per hour is generally regarded as a conservative rate for the protection of salmon fry under most conditions."]). As such, the evidence in the FERC record demonstrates that available habitat upstream of Don Pedro Reservoir is unsuitable to support a viable population of salmonids, and no further studies, pilot projects or other efforts are necessary.

We have been meeting with both agencies in an effort to find a balanced approach for a science-based solution that improves the fishery while maintaining water supply reliability for the Districts and San Francisco. We have also been expressing our disappointment that the ILP, which the Districts have meticulously adhered to, is being undermined by the agencies. As a stalwart champion for the environment and commonsense regulation, we would like your help to insure that our discussions with the agencies continue, make the appropriate use of the ILP generated studies and tools, and are fruitful in meeting our mutual goals.

Sincerely,



Casey Hashimoto, P.E.
General Manager
Turlock Irrigation District

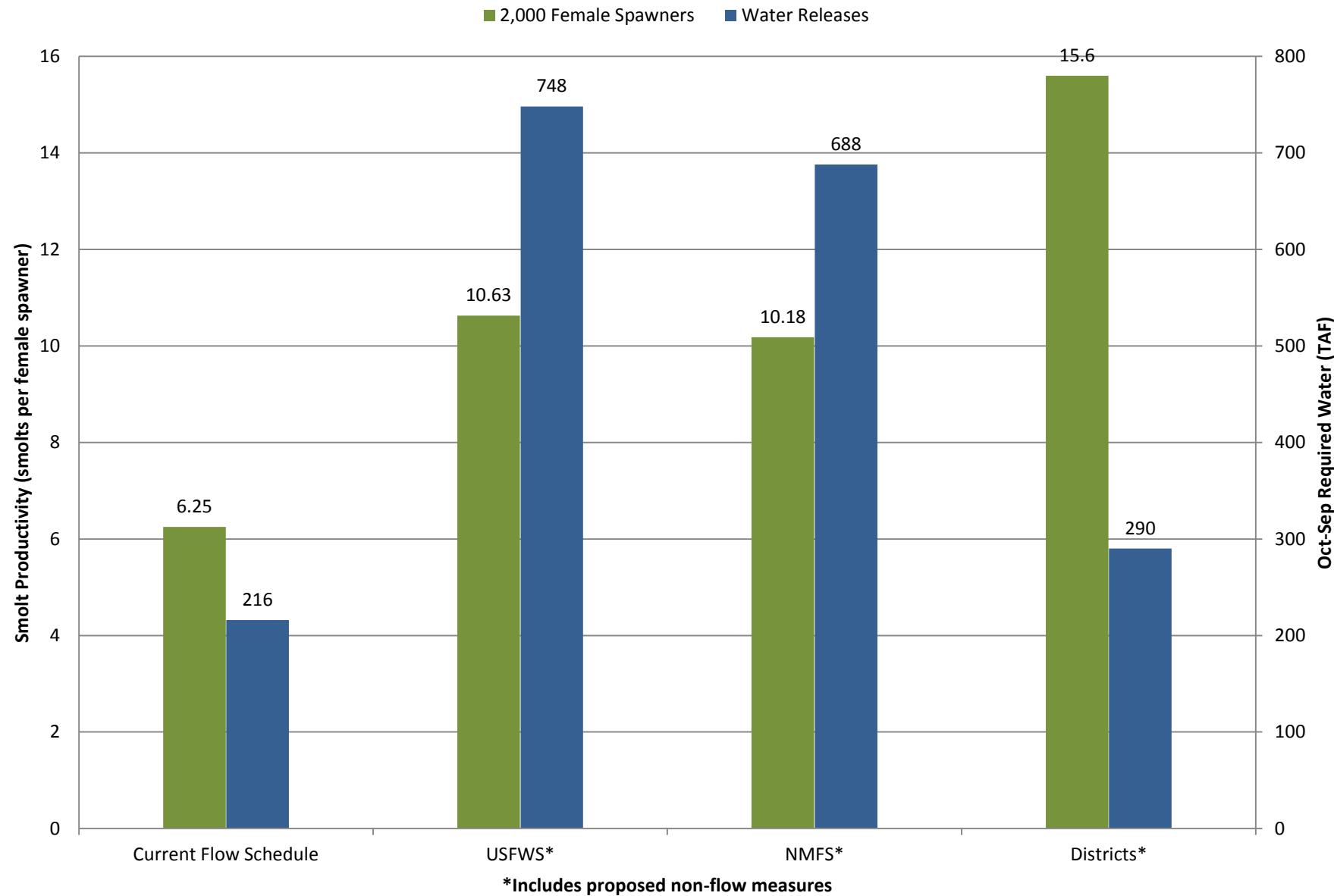


John B. Davids, P.E.
Assistant General Manager, Water Operations
Modesto Irrigation District

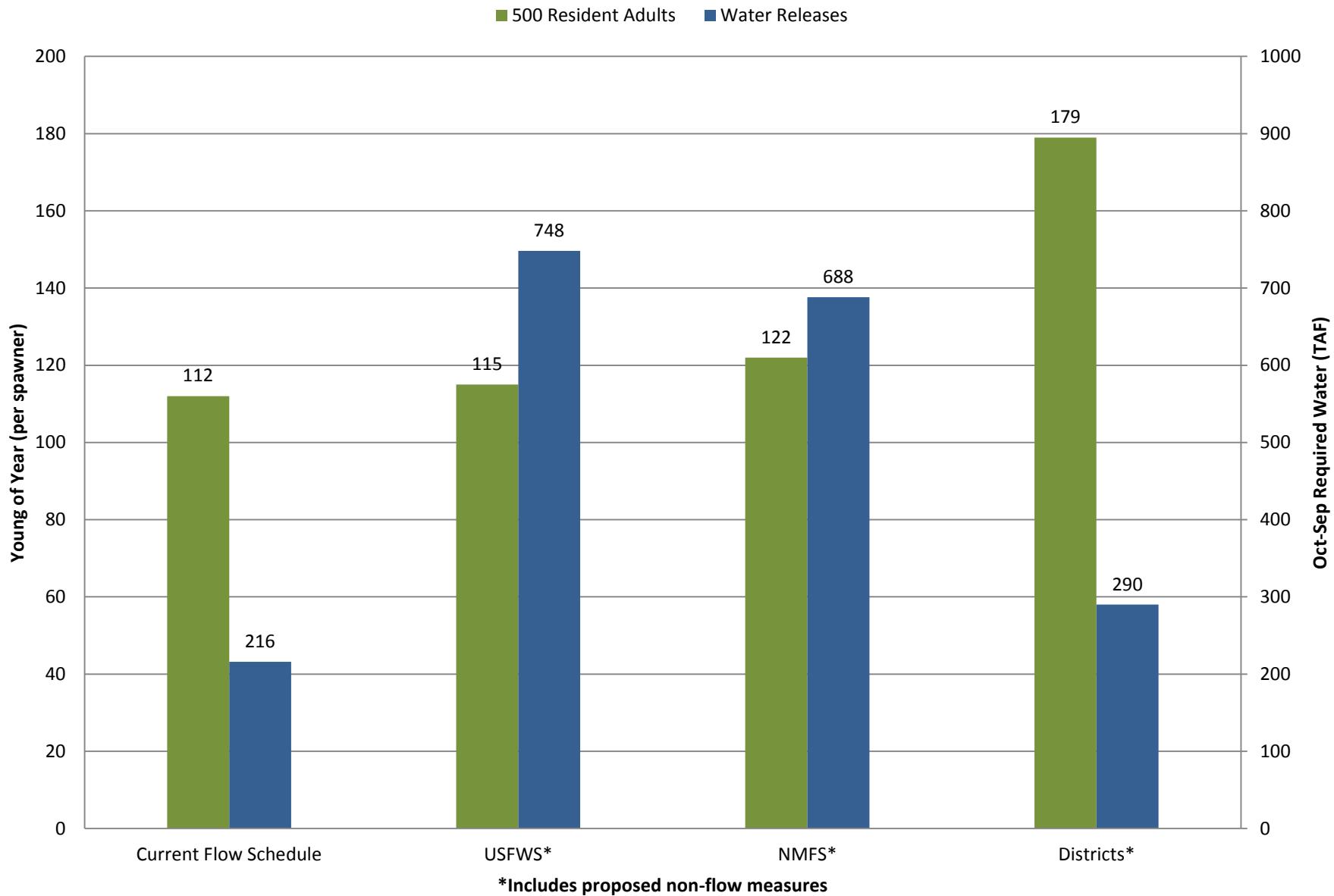
Enclosure: Summary Bar Charts

cc: Administration Files
SFPUC

Recommendations Comparing Benefits to Fall-Run Chinook Salmon



Recommendations Comparing Benefits to O.mykiss



From: Rob Wittman
To: stephen_quertin@fws.gov
Subject: [EXTERNAL] Weekly Update: Economic Prosperity
Date: Saturday, November 17, 2018 11:25:41 AM

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Weekly Update: Economic Prosperity
By Congressman Rob Wittman
November 17, 2018

As the leaves change and fall to the ground (along with some snow this week), I'm reminded how things have changed so much in the last year. Our nation's and Virginia's economies are thriving due to the pro-growth policies we have passed this Congress. And, honestly, the results speak for themselves.

[Data](#) released from the Bureau of Labor Statistic on November 2, 2018 told us three important things: hiring is up, wages are up, and the number of workers and job searchers is up. We learned that payrolls increased by [250,000](#) in October, well ahead of estimates, average hourly earnings increased by 3.1% - the best pace since 2009, and the unemployment rate stayed at 3.7% which is the lowest since 1969.

Experts, such as [Elise Gould](#), the senior economist for the Economic Policy Institute, said that this report is "definitely a strong signal that workers are finally beginning to see the growing economy reach their paychecks." I'm seeing that too. I have talked with countless businesses and constituents in the First District who are able to hire more workers or make a family purchase because of the extra dollars in their paychecks.

The Editorial Board at [The Wall Street Journal](#) wrote that, "GOP growth policies rescued an economy that was fading fast." Virginia's economy, as a result of these policies, is booming. Earlier this month, I witnessed this growth first-hand at home. Governor Northam and I visited [two businesses](#) expanding their operations in the First District, bringing more jobs to our community. Premier Tech, Ltd., a global leader in the horticulture and agriculture sector, announced a \$1.89 million investment in their King and Queen County facility along with the creation of 20 new jobs. Carry-On Trailer Inc., a leading manufacturer of steel and utility trailers announced that they are investing \$1.6 million in their Westmoreland County facility and adding 42 new jobs in the Northern Neck.

In Washington, I am always working to spur job creation in the First District and build a strong economy. It is investments like the ones Carry-On Trailer, Inc. and Premier Tech, Ltd. made in our community that spur further economic development and allow small communities to flourish.

I think the *Chicago Tribune* said it best, though, in [an editorial](#) at the beginning of the month: "There are plenty of measures of American satisfaction and security, but having a job is fundamentally important. Growth creates prosperity." ... "In other words, everything positive starts with jobs." Unlike the seasons, my dedication to securing policies that will help keep

Virginia's economy growing will never change.



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From: [Emilio Navarrete](#)
To: [Benjamin Tuggle](#)
Subject: [EXTERNAL] Western Caucus Applauds Efforts to Unwind Obama Admin's Sage Grouse Land Grab
Date: Monday, December 10, 2018 5:37:10 PM

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For Immediate Release

Date: November 27, 2018

Contact: Emilio Navarrete

| Emilio.Navarrete@mail.house.gov

**Western Caucus Applauds
Efforts to Unwind Obama
Admin's Sage Grouse Land Grab**



WASHINGTON, D.C. – Today, members of the Congressional Western Caucus released statements after the Bureau of Land Management (BLM) released an Environmental Impact Statement and related plan amendments that incorporate greater state and local input related to sage grouse conservation efforts::

Chairman Paul Gosar (AZ-04):

"Environmental stewardship is not stewardship without the input of state and local communities. The BLM's Environmental Impact Statement and related plan amendments recently released are another step towards unwinding one of the largest land grabs in our nation's history. President Reagan once said that, 'The federal government did not create the states; the states created the federal government.' Sadly, this fundamental principle was ignored by the previous Administration in relation to the Greater Sage Grouse - to the detriment of landowners, states, local communities, species and even the federal government. As a result of the strong leadership of President Trump and Secretary Zinke, we are more closely aligning with the vision of our Founding Fathers and preventing further encroachment on private lands by the federal government. Hopefully, the Forest Service will catch up and follow DOI and BLM's efforts."

Chairman Rob Bishop (UT-01): "The Environmental Impact Statement signals a positive step promoting locally developed state recovery plans for the Sage Grouse. This is a stark transition from the heavy-handed 'one size fits all' federal approach of the Obama administration. While much remains to be done, state and local authorities recognize their voices are being heard by the Trump administration. We are one step closer to making federal micromanagement and fears of frivolous litigation by the environmental activist industry a thing of the past."

Chief Rules Officer Dan Newhouse (WA-

04): "States and local communities are best equipped to effectively steward the greater sage grouse. I support the Bureau of Land Management's proposal to increase flexibility when working with various states and stakeholders to manage habitat in a way that balances development and conservation."

Rep. Doug LaMalfa (CA-01): "The population of the Greater Sage-Grouse has been in good shape for years, and at this point does not warrant listing under the Endangered Species Act. These amendments build on successful population rehabilitation efforts while simultaneously streamlining federal and state mitigation requirements and increasing coordination between state wildlife agencies, the Fish and Wildlife Service, and private landowners. I appreciate Secretary Zinke's commitment to giving states a greater role in maximizing our land use in Northern California while also continuing to preserve the Sage-Grouse habitat."

Rep. Paul Cook (CA-08): "This proposal returns power to manage sage grouse to state and local governments where it belongs. Local land management decisions are best made by local leaders, not by Washington bureaucrats."

Background:

The U.S. Fish and Wildlife Service found in 2015 that a listing of the Sage grouse under the Endangered Species Act (ESA) was not warranted.

However, the Obama Administration implemented a de facto listing through overly restrictive Resource Management Plan (RMPs) Amendments and Land and Resource Management Plan (LRMPs) Amendments in order to limit grazing, prevent responsible energy production and discourage other activities. These new regulatory burdens imposed by the previous Administration are significant as the bird's habitat covers roughly 165 million acres in 11 Western states.

Courtesy of the Bureau of Land Management
In keeping with Secretary of the Interior Ryan Zinke's commitment to work closely with states to enhance conservation, the Bureau of Land Management (BLM) announced the availability of the Final Environmental Impact Statement (EIS) and proposed plan amendments addressing Greater Sage-Grouse conservation on public lands throughout the western United States.

The proposed plan amendments aim to better align BLM resource management plans with state plans for conserving sage-grouse populations, strike a regulatory balance and build greater trust among neighboring interests in Western communities. The proposed amendments and final EIS also addresses the issues remanded to the agency by a March 31, 2017, order by the U.S. District Court for the District of Nevada, which determined that the BLM had violated the National Environmental Policy Act when it finalized the 2015 Nevada plan.

The proposed changes refine the previous management plans adopted in 2015. Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is required by law to work cooperatively with states on land-use plans and amendments.

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Subject: [EXTERNAL] Western Caucus Applauds Efforts to Unwind Obama Admin's Sage Grouse Land Grab
Date: Monday, December 10, 2018 6:19:07 PM



For Immediate Release
Contact: Emilio Navarrete

Date: November 27, 2018
Emilio.Navarrete@mail.house.gov

Western Caucus Applauds Efforts to Unwind Obama Admin's Sage Grouse Land Grab



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From: [Western Caucus](#)
To: benjamin_tugge@fws.gov
Subject: [EXTERNAL] Western Caucus Applauds EPA Administrator Andrew Wheeler's Successful Senate Hearing
Date: Wednesday, January 16, 2019 5:00:18 PM



For Immediate Release
Contact: Emilio Navarrete

Date: January 16, 2019
Emilio.Navarrete@mail.house.gov

Western Caucus Applauds EPA Administrator Andrew Wheeler's Successful Senate Nomination Hearing



WASHINGTON, D.C. – Today, members of the Western Caucus released statements applauding Acting EPA Administrator Andrew Wheeler's successful testimony before the Senate Committee on Environment and Public Works:

Chairman Paul Gosar (AZ-04): "As Acting Administrator of the Environmental Protection Agency, Andrew Wheeler has been a champion of our issues; issues that are of great importance to all Americans. His track record on energy, the environment, deregulation, the rule of law and science-based decision-making is exceptional. His leadership in seeking to repeal WOTUS and rewrite a new definition of the Clean Water Act consistent with the Constitution is important to farmers, businesses and rural communities. His excellent testimony and performance before the Senate Committee on Environment and Public Works only further solidifies my support for him. I fully expect that he will be confirmed. In the meantime, the Western Caucus will continue to work closely with him and the agency to carry out the important work needed on behalf of the American people."

Chief Regulatory Reform Officer Andy Biggs (AZ-05): "I applaud Acting Administrator Wheeler for his successful nomination hearing today. He has been a terrific ally of the West. President Trump's EPA, under Administrator Wheeler, has, in the past year, cut over a dozen onerous regulations, saving Americans almost two billion dollars in regulatory costs. I hope the Senate quickly confirms him, and I look forward to working with him throughout the 116th Congress."

Rep. Doug LaMalfa (CA-01): "Administrator Wheeler has done a tremendous job since being appointed by President Trump to lead the EPA. He has instituted commonsense changes to misguided environmental policies, such as WOTUS, and replaced them with rules that are both more effective at protecting the environment and more easily complied with. I congratulate Administrator Wheeler on his official Senate nomination hearing today – his decades of experience with environmental policy will serve the nation well."

Rep. Bob Gibbs (OH-07): "Acting Administrator Wheeler is the right person for the job. He has the experience and knowledge to fairly and competently oversee and direct the mission of the EPA. Having seen the heavy-handed, sometimes illegal actions of left-wing activists when put in charge of the EPA, I know Andrew Wheeler will be a partner with state and local environmental agencies, rather than treat them as adversaries like the Obama Administration did. I urge the Senate to complete their process to confirm Wheeler without delay."

Rep. Debbie Lesko (AZ-08): "Acting Administrator Andrew Wheeler is the right choice to lead the Environmental Protection Agency. He's proven himself as the Acting Administrator and has the knowledge and qualifications to head this important agency. I congratulate him on a successful hearing today and urge my colleagues in the Senate to swiftly confirm Mr. Wheeler as Administrator of the EPA."

Background:

On Wednesday, the Senate Committee on Environment and Public Works held a hearing entitled, "*Hearing on the Nomination of Andrew Wheeler to be Administrator of the Environmental Protection Agency.*" Acting Administrator Andrew Wheeler elaborated upon his qualifications that warrant his confirmation by the U.S. Senate.

Courtesy of the Environmental Protection Agency

On July 5, 2018, President Donald J. Trump announced the appointment of Andrew Wheeler as the new Acting Administrator of the Environmental Protection Agency. Mr. Wheeler had previously been confirmed by the U.S. Senate as the EPA Deputy Administrator on April 12, 2018.

Mr. Wheeler has dedicated his career to advancing sound environmental policies. He began his career during the George H. W. Bush Administration as a Special Assistant in EPA's Pollution Prevention and Toxics office.

He was a Principal and the team leader of the Energy and Environment Practice Group at FaegreBD Consulting, as well as Counsel at Faegre Baker Daniels law firm, where he practiced since 2009. He also served as the Co-chair of the Energy and Natural Resources Industry team across the entire firm.

Prior to his work with the firm, Mr. Wheeler served for six years as the Majority Staff Director and Chief Counsel, as well as the Minority Staff Director, of the Senate Committee on Environment and Public Works. Before his time at the full Senate EPW Committee, Mr. Wheeler served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety.

Mr. Wheeler is the past Chairman of the National Energy Resource Organization (NERO) and a Stennis Fellow. Mr. Wheeler is also an Eagle Scout.

Mr. Wheeler was born in Hamilton, Ohio. He completed his law degree at Washington University in St. Louis, his MBA at George Mason University, and his undergraduate work at Case Western Reserve University in English and Biology.

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From: [Western Caucus](#)
To: benjamin_tugge@fws.gov
Subject: [EXTERNAL] Western Caucus Applauds EPA and Trump Admin's Action To Reverse Job-Killing WOTUS Rule
Date: Tuesday, December 11, 2018 11:52:02 AM



For Immediate Release
Contact: Emilio Navarrete

Date: December 11, 2018
Emilio.Navarrete@mail.house.gov

Western Caucus Applauds EPA and Trump Admin's Action To Reverse Job-Killing WOTUS Rule



WASHINGTON, D.C. – Today, members of the Congressional Western Caucus commended the EPA's official repeal of WOTUS:

Chairman Paul Gosar (AZ-04): "Like a villain in Scooby Doo, the past Administration almost got away with an unparalleled expansion of Federal power. The WOTUS land and water-grab rule proposed by the Obama Administration was one of the greatest regulatory threats to the West and rural communities. Fortunately, this legally-dubious effort was unmasked for what it was by the Supreme Court and this Administration. I'm happy to see some sanity restored to Clean Water Act implementation. Thank you Acting Administrator Wheeler and President Trump for taking the lead and crafting a definition that adheres to the original law, promotes extremely clean and safe waterways, and remains Federalist in its nature."

Rep. Ken Calvert (CA-42): "The Clean Water Act is an essential law that has made a tremendous impact protecting and improving the quality of one of our most precious resources. The updated WOTUS rule will help ensure our federal resource agencies are able to focus their efforts on our most significant waterways. It will also help eliminate the use of the Clean Water Act as a tool by serial litigants and extreme environmentalists to attack private property rights."

Executive Vice Chairman Scott Tipton (CO-03): "The Obama Administration's Waters of the

United States Rule (WOTUS) was one of the most onerous federal water and land grabs in this nation's history, usurping long-held state water law, threatening access to private water rights and jeopardizing the success of the economy. The damaging impact of WOTUS cannot be disregarded, so the EPA's proposed new rule is welcome news. It is high time that we provide certainty to America's farmers, ranchers and landowners, whose livelihoods rely on water."

Vice Chairman for Indian Affairs and Oceans Don Young (AK-At Large): "The Obama-era WOTUS rule is a shining example of federal overreach. I'm pleased to see Administrator Wheeler take action in implementing President Trump's promise to overturn this shortsighted rule. I will continue to work with this administration to ensure state and local governments are able to effectively manage their waters without the unnecessary and inconsistent oversight of the federal government."

Chief Rules Officer Dan Newhouse (WA-04): "I applaud the EPA's decision to repeal the burdensome WOTUS rule and give clarification to land owners, farmers, and ranchers across the country. The Obama Administration's WOTUS rule gave the federal government unprecedented power to expansively interpret the definition of a 'navigable waterway.' I know farmers and ranchers in Central Washington will continue to strive to be good stewards of their land and the environment, and the Trump Administration's newly-defined rule will finally give them the certainty they deserve."

Chief Regulatory Reform Officer Andy Biggs (AZ-05): "I support Acting Administrator Wheeler's efforts to change course from the unconstitutional Obama-era WOTUS rule. This rule is a blatant attack on property rights and is an expansion of government bureaucracy. I am hopeful that this new administrative action will bring much-needed relief to farmers, ranchers, and minors across the West. I continue to call on Congress to codify the administration's positive steps."

Rep. Alex Mooney (WV-02): "Replacing the Obama-era Waters of the United States rule is another example of President Donald Trump fulfilling the promises he made to all Americans. The previous rule represented the very worst of federal government overreach by regulating any puddle or trickle of water such as my constituent Lois Alt in Hardy County, West Virginia. This rule hindered farmers, land owners and communities across West Virginia. I applaud the Trump Administration for crafting a rule that respects private property rights and gives states flexibility in managing water within their borders."

Rep. Ron Estes (KS-04): "The Trump administration's new WOTUS Rule is a win for farmers and ranchers across Kansas and our nation. By removing Obama-era regulations and providing needed certainty to the application of the Clean Water Act, this rule gives power back to states and farmers on how best to protect the environment while strengthening our economy. I am thankful the EPA and the U.S. Army listened to stakeholders in crafting this rule and look forward to its implementation."

Rep. Glenn 'GT' Thompson (PA-05): "The Obama Administration's Waters of the United States rule was an unprecedented land grab that expanded the reach of the Clean Water Act far beyond Congressional intent. Farmers, ranchers and those who live off the land deserve certainty in how the law is administered, yet the WOTUS proposal did the complete opposite and only added more confusion. Uncertainty has governed the lives of farmers and ranchers for too long, and I fully support President Trump's efforts to truly clarify the Clean Water Act."

Rep. Duncan Hunter (CA-50): "It had long been the goal of those of us who seek to improve and protect the private property rights of all Americans to clearly define the regulatory definition of 'waters of the United States.' With the help and support of a President who has committed his administration toward the goal of limiting government overreach, private homeowners, farmers and ranchers will have peace of mind on their own property, knowing they can move forward with simple projects that in years before would have required months of waiting for a federal permit and thousands of dollars spent on legal professionals."

Rep. Rick Crawford (AR-01): "This provision is a broad government overreach that confuses our farmers, ranchers, and small business owners while taking away an individual's ability to make decisions regarding their own property. I look forward to this new rule that will curtail the current regulation that views a ditch as equivalent to a major waterway and digresses from Congressional intent. This common-sense reform will relieve our agriculture producers from Obama-era overly burdensome requirements."

Rep. Debbie Lesko (AZ-08): "I applaud the EPA and the Trump Administration for taking action to end the Waters of the United States (WOTUS) rule and restore power to Arizona's farmers, ranchers, and landowners. This land and water grabbing rule created under the Obama Administration is a prime example of a federal overreach placing unnecessary burdens on states and property owners. It's time for the onerous WOTUS rule to be repealed once and for all."

Rep. Markwayne Mullin (OK-02): "The Waters of the United States (WOTUS) Rule has been detrimental to our country's farmers and ranchers since the day it was put in place by the Obama Administration. The federal government doesn't belong regulating every creek, ditch, and stream. This proposed replacement rule from the Trump Administration gives farmers, ranchers, and small business owners the power to take care of their backyards without the unnecessary red tape they face now. I applaud the Trump Administration for the proposed rule."

Rep. Garret Graves (LA-06): "The 2015 rule was an unconstitutional expansion of federal power that used bureaucrat-speak to strip landowners of their rights and local governments of their ability to manage waters within their borders. This new approach is the product of doing it the right way – openly, with the input of the American people. The new rule respects the rights of private property owners and the sovereignty of states, right-sizes the federal government's role in enforcement and provides clarity where there was confusion. Instead of forcing a top-down, one-size-fits-all mandate, it recognizes that the issues on the ground in places like Arizona are fundamentally different than in places like Louisiana and gives states the flexibility to manage those differences. Most importantly, it doesn't compromise the goal: preventing pollution, ensuring clean water and protecting wetlands."

Rep. Mike Johnson (LA-04): "Regulating back yard ditches and mud puddles does nothing to ensure Americans' access to safe, clean and reliable water. It does, however, far exceed the powers granted to the federal government. Thankfully, the Trump administration's new plan clearly defines what is, and more importantly, what is not, subject to the Clean Water Act. Farmers and ranchers all across the U.S. can rest easy knowing their privacy and their land will be protected from government encroachment."

Rep. Greg Gianforte, MT-AL: "President Obama's Waters of the U.S. mandate further empowers federal bureaucrats in Washington and threatens our Montana way of life, particularly for our farmers and ranchers. Today's announcement from the Trump administration seeks to roll back federal overreach, clarify the federal government's jurisdiction, and return power to states and tribes to manage their waters. The administration's proposal will reduce uncertainty and help Montana's farmers and ranchers."

Rep. Jim Banks (IN-03): "Our nation's farmers and landowners have spent millions fighting the overreach of the 2015 Obama-era rule. The Trump Administration is right to narrow the scope, delivering much needed clarification on the definition and relief from bureaucracy run amok."

Rep. Doug Lamborn (CO-05): "The Obama-era WOTUS Rule was an unnecessarily overreach by EPA, which hampered growth in communities across America. It expanded the EPA's jurisdiction, leading to burdensome red tape for individuals and bureaucratic control over drainage ditches, agricultural ponds, and isolated wetlands. The farmers, builders, and landowners in this country deserve freedom from burdensome and ambiguous federal regulations and flawed rules. I believe each state reserves the right to determine the best land management for itself. I'm pleased the EPA repealed

and replaced WOTUS with reasonable regulatory reforms that complement existing state and tribal regulations and programs. I'm confident the benefits will be reaped for years to come."

Rep. Doug LaMalfa (CA-01): "After listening to those directly impacted by one of the previous Administration's most harmful rules, the EPA is replacing WOTUS with something that actually makes sense for land and business owners. Instead of attempting to needlessly regulate every puddle, ditch, and furrow in America, the new rule will focus on bodies of water and wetlands that are physically and meaningfully connected to other bodies of jurisdictional water. Now, those driving our economy will spend less time and money on land-use decisions and litigation and more time on running their business. States will finally have a clear definition of where federal jurisdiction ends and begins, as well as the ability to properly manage their own water. WOTUS was nothing short of a job-killing Washington power grab, and I'm glad to see it replaced with something that works."

Rep. Ralph Norman (SC-05): "I applaud the Trump Administration, the Environment Protection Agency (EPA), and the Department of the Army for their committed efforts to reigning in the overreaching Obama-era definition of 'Waters of the United States' commonly known as WOTUS. We need clarity, predictability, and consistency. The Trump Administration has done just that by proposing a new rule that clearly lays out when federal jurisdiction will apply to WOTUS under the Clean Water Act. This new ruling will allow for federal oversight to be balanced with state authority to regulate their waters. This clearly defined partnership will allow for navigable waters to be regulated appropriately, while avoiding the negative impacts of federal overreach on farmers and ranchers, that is currently occurring. I look forward to supporting this new rule and working with the Trump Administration to ensure implementation of this new definition. This clearly defined partnership will allow for navigable waters to be regulated appropriately, while avoiding the negative impacts of federal overreach on farmers and ranchers, that is currently occurring. I look forward to supporting this new rule and working with the Trump Administration to ensure implementation of this new definition."

Rep. Roger Marshall (KS-01): "The Trump Administration deserves accolades from rural America for their continued actions to repeal the misguided Waters of the United States rule. As Kansans know entirely too well, the Obama WOTUS rule dramatically expanded the reach of the federal government with minimal improvement in water quality. Today's announcement serves as a tremendous relief to landowners and farmers. This is yet another exciting step in fulfilling this Administration and Congress' promise to return government to its proper role."

Rep. Bob Gibbs (OH-07): "I applaud President Trump's efforts to reverse the power grab attempted by the Obama Administration. It is clear enforcement of the Clean Water Act must be a collaborative effort between the federal and state government. This is an issue I've been fighting for several years, working to make sure our agriculture community, homebuilders, private property advocates, and local governments are given a clear set of jurisdictional rules. We can protect the environment, encourage economic growth, and safeguard private property rights without unnecessarily expanding federal jurisdiction. This WOTUS rule does that while providing the certainty our nation's farmers and ranchers need."

Rep. Ralph Abraham (LA-05): "Obama's WOTUS simply went too far – a puddle of water that might run into a ditch that then might run into a stream or river is by no means a navigable waterway and should not be treated as such. I'm still reviewing the new rule, but I'm pleased with what I've seen so far. We all want clean water, and we can achieve that without handing over our land rights to the EPA."

Background:

Courtesy of the Environmental Protection Agency

Today, December 11, 2018, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) proposed a revised definition of “waters of the United States,” which would delineate the scope of federal regulatory authority under the Clean Water Act in a clear and understandable way.

The agencies are concerned that the previous administration’s 2015 Rule defining “waters of the United States” may have greatly expanded Washington’s control over local land use decisions. The agencies’ new proposal respects the constitutional and statutory limits of federal government to regulate navigable water under the Clean Water Act and gives states and tribes more flexibility to determine how best to manage waters within their borders. The agencies’ new proposed definition will fulfill President Trump’s commitment to end this federal overreach. It ends year of uncertainty over where federal jurisdiction begins and ends. It is clear and easy to understand. It will help landowners understand whether a project on his or her property will require a federal permit or not, without spending tens of thousands of dollars on engineering and legal professionals. This certainty and clarity will save Americans time and money while accelerating infrastructure projects and economic development.

Right now, because of litigation, the 2015 “waters of the United States” rule is in effect in 22 states, the District of Columbia, and the U.S. territories; and the previous regulations, issued in the 1980s, are in effect in the remaining 28 states. This inconsistent regulatory patchwork creates uncertainty and hinders projects that can benefit both the environment and the economy. The proposed definition would establish national consistency and would rebalance the relationship between the federal government and states in managing land and water resources. States already have their own regulations for waters within their borders, regardless of whether they are federally regulated as “waters of the United States.” The agencies’ new proposal will eliminate the time-consuming and uncertain process of determining whether a “significant nexus” exists between a water and a downstream traditional navigable water as directed under the agencies’ 2008 Rapanos Guidance or whether a water has a significant nexus to a traditional navigable water, interstate water or territorial sea as codified in the agencies’ 2015 Rule defining “waters of the United States.”

EPA and the Army listened to those directly impacted by the regulations and are proposing a definition that includes the following key aspects:

- Excludes ephemeral streams and related features.
- Covers only adjacent wetlands that are physically and meaningfully connected to other jurisdictional waters.
- Cuts most ditches from unnecessary federal regulation.
- Eliminates the use of subjective tests to determine jurisdiction over individual waters.
- Retains exclusions for groundwater, prior converted cropland, stormwater control systems, some wastewater recycling structures, groundwater recharge basins, and waste treatment systems from federal Clean Water Act regulation.
- Regulates perennial and intermittent tributaries to traditional navigable waters.

The agencies will take comment on the proposal for 60 days after publication in the Federal Register. The agencies will also hold an informational webcast on January 10, 2019, and will host a public hearing on the proposed rule in Kansas City, KS, on January 23, 2019. Additional information on both engagements is available at <https://www.epa.gov/wotus-rule>. Comments on the proposal should be identified by Docket ID No. EPA-HQ-OW-2018-0149 and may be submitted online. Go to <https://www.regulations.gov>

Courtesy of the Congressional Western Caucus

One of the Western Caucus' main priorities is repealing the Obama Administration's Water of the United States (WOTUS) rule, which was finalized by former EPA Administrator Gina McCarthy in 2015.

On March 25, 2014, the EPA and the Corps of Engineers released a proposed rule that would assert Clean Water Act jurisdiction over nearly all areas with even the slightest of connections to water resources, including man-made conveyances. Specifically, this WOTUS Rule attempted to expand agency control over 60% of our country's streams and millions of acres of wetlands that were previously non-jurisdictional.

The Obama Administration tried to make the case that "waters of the United States" refers not just to permanent bodies of navigable water, but to far smaller bodies of water including those that are tiny, seasonal or even ones that do not connect up with larger water systems. This was an astounding departure from longstanding interpretation of the Clean Water Act that expanded federal power to reach into every nook and cranny of our nation's waterways under a flimsy [Commerce Clause](#) argument. Family farmers were kept awake at night, worried that rains wouldn't let up before turning their puddles into regulated ponds and running them out of business in the process. Recreational water and marsh users were rightfully wary that Federal regulators would invade their turf and suddenly declare their sport of choice too harmful on the waterway. Developers preemptively pulled out of projects deemed at high risk of falling under federal environmental jurisdiction – all because the Feds may declare a nearby ditch jurisdictional. And when they do declare jurisdiction, it's not just water under the bridge. Individual Clean Water Act permits have taken an average of 788 days to process and \$271,596 on the part of the applicant; fines and criminal liability await those who skirt these requirements. Lives and livelihoods are at stake.

WOTUS negatively impacts states throughout the country by impeding upon state's rights, encroaching on private lands, and violating the civil liberties of many Americans.

On 05/21/2018, Western Caucus Member Jim Banks (IN-03) introduced an amendment to the Farm Bill that would repeal WOTUS. It passed the House with a bipartisan vote of 238-173 and 13 Democrats supporting repeal.

- View Western Caucus Press Releases on WOTUS and the Farm Bill [here](#) and [here](#).
- View letter sent to Farm Bill Conferees by Reps. Banks and Walker, Western Caucus Members and 51 total Members urging repeal of WOTUS [here](#).

On 07/19/2018, H.R. 6147, the Department of the Interior, Environment, Financial Services, and General Government Appropriations Act of 2019 passed the House of Representatives.

- One of the numerous provisions that the bill contained was a Western Caucus provision to repeal WOTUS.
- View the Western Caucus Press Release [here](#).

Last Congress, more than 170 bipartisan members cosponsored legislation calling for WOTUS to be repealed and another 120 bipartisan signed a letter urging repeal. That request can be found [here](#).

###

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From: [Western Caucus](#)
To: [benjamin_tuttle@fws.gov](mailto:benjamin_tuggle@fws.gov)
Subject: [EXTERNAL] Western Caucus Continues To Grow (01.21.19)
Date: Sunday, January 27, 2019 4:23:48 PM



Week of 01.21.19



Department of Energy To Invest \$38 Million To Improve Existing Coal-Fired Power Plants

On Wednesday, the Department of Energy announced that it will invest up to \$38 million toward research and development (R&D) projects enhancing technologies that will improve the performance and resiliency of America's coal-fired power plants.

[Click here to view](#)

Department of Energy Advances Efforts to Modernize Our Country's Electrical Grid



On Thursday, Under Secretary of Energy Mark Menezes announced \$40 million in FY19 funding for the Grid Modernization Initiative (GMI), which is a Department of Energy initiative that works with private and public sector partners to develop new tools and technologies that measure, analyze, predict, and control the grid of the future.

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Natural Resources Ranking Member Rob Bishop Welcomes New and Returning Republican Committee Members

On Wednesday, House Committee on Natural Resources Ranking Member Rob Bishop (UT-01) welcomed Republican members who will serve on the Committee for the 116th Congress.

[Click here to view](#)

New Members of the Western Caucus

This week, we welcomed three new members:

Congressman Jim Baird (IN-04), Congressman Dusty Johnson (SD-AL) and Congressman David Joyce (OH-14), who is the new Ranking Member for the Appropriation Committee's Subcommittee on Interior, Environment, and Related Agencies. They join Congressman Pete Stauber (MN-08), Congressman Larry Bucshon (IN-08), Congressman James Comer (KY-01) and House Agriculture Committee Chairman Collin Peterson (MN-07) as the first new members in the 116th Congress. Welcome to the Western Caucus!



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From: [Western Caucus](#)
To: benjamin_tugge@fws.gov
Subject: [EXTERNAL] Western Caucus Reacts to Passage of the Farm Bill
Date: Wednesday, December 12, 2018 3:43:15 PM



For Immediate Release
Contact: Emilio Navarrete

Date: December 12, 2018
Emilio.Navarrete@mail.house.gov

Western Caucus Reacts to Passage of the Farm Bill



WASHINGTON, D.C. – Today, members of the Congressional Western Caucus released statements reacting to the passage of the Farm Bill in the House of Representatives:

House Republican Conference Chair Cathy McMorris Rodgers (WA-05): "Right now, our farmers need certainty. They need to know that the farm safety net is intact. That's what this legislation does. The final 2018 Farm Bill includes my top three priorities: protecting crop insurance, supporting trade and market access programs, and increasing our commitment to agriculture research, like the great work being done at Washington State University. Our farmers are the greatest anti-poverty program and have done more to provide food security to the world than any government program. I was proud to support this legislation which supports them."

Chief Rules Officer Dan Newhouse (WA-04): "Farm Country has waited long enough, and today Congress delivered. As a third-generation Yakima Valley farmer, I know the Farm Bill plays an enormously important role in Central Washington's agriculture economy by delivering a secure safety net for farmers and providing for research that keeps us on the cutting edge of global innovation. Farmers are struggling with a 50-percent drop in net farm income over the past five years, which is why market access programs and crop insurance are critical to providing certainty for agriculture producers. While some improvements were made, I would have preferred to include stronger provisions to improve nutrition programs and forestry management. Farmers needed action sooner

rather than later. I applaud Chairman Conaway for his hard work in getting this bill across the finish line."

Rep. Ralph Abraham (LA-05): "Agriculture is a critical part of the Louisiana economy, and our state's farmers, ranchers and foresters deserve the stability and strong safety net that the Farm Bill provides. This bill preserves crop insurance, adjusts for low commodity prices, strengthens dairy price protections, and preserves the family farm. This is a good bill, and that's why farmers across the country are celebrating its passage."

Rep. Don Bacon (NE-02): "One out of every four jobs in Nebraska is related to agriculture and the 2018 Farm Bill provides certainty not only to our farmers, ranchers and producers, but to so many other related industries in Nebraska. When our producers thrive, the processing, financial services and transportation industries on our state thrive meaning that more and more families in Nebraska are impacted by a successful farm bill."

Rep. Steve King (IA-04): "Iowa's farmers want a Farm Bill that provides predictability, while also enhancing our ability to trade in foreign markets, and this bill accomplishes both of these goals. I am pleased that the final bill contains important provisions that I requested, including the 'Genome to Phenome' language that was a priority for Iowa State, vaccine bank language promoting the development and storage of GMO vaccines in the United States to deal with sudden outbreaks, and full funding for the Market Access Program which promotes foreign trade of our agricultural goods. This Farm Bill is a victory for our producers, it meets Rural America's immediate need for greater trade, and it's shameful that partisan politics prevented it from passing sooner."

Rep. Roger Marshall (KS-01): "Kansas farm bankruptcies are up six times since 2015. I've traveled thousands of miles in the past two years, touching base with farmers and agribusinesses across the state, and I am proud to report that the final bill strengthens our safety net, prioritizes trade promotion, fully protects crop insurance, improves the dairy program, invests in broadband and rural health, and so much more."

Rep. Ron Estes (KS-04): "This five-year Farm Bill provides much-needed certainty for Kansas farmers and ranchers through increased crop insurance programs and provides historic funding for rural broadband that will help farmers utilize new technology and get products to market faster. While the final bill didn't include all of the work requirement initiatives from the House-passed version, I'm glad the bill makes needed improvements to the SNAP program, including giving the Secretary of Agriculture flexibility to address work requirement waivers issued by states. As a strong advocate for work requirements like those that have worked in Kansas, I'll continue working with the Trump administration to help families in need while getting people back to work."

Rep. Rick Crawford (AR-01): "For too long, rural America has been left behind as the rest of the nation moves forward. The Farm Bill is important for those engaged in production agriculture but also includes key provisions that address issues facing our rural communities such as the opioid crisis, food deserts, and broadband access. This legislation is a resounding commitment from this Congress to rural constituencies that we recognize their needs and delivers on our promises to farmers and ranchers across America. The Farm Bill ensures our farmers and ranchers can continue to produce a reliable food and fiber supply, even amid uncertain economic times. As a Farm Bill conferee, I am proud Congress delivered much needed support to our nations farmers and ranchers alongside regulatory improvements to farm programs."

Background:

On Wednesday, December 12, 2018, the House passed the Conference Report to accompany H.R. 2, the "Agricultural Improvement Act of 2018," a bill introduced by Representative Mike Conaway (TX-11).

A short Committee-drafted highlights page is [here](#). Longer Committee summary [here](#). Messaging & talking points [here](#). Text vis the Conference Report can be found [here](#).

The core of the package is the commodities title, Title I. Regardless of a Member's ideological stance on subsidy, price guarantee and similar government interventions into a market, the fact remains that these programs, by longstanding Congressional direction, have become an entrenched part of the domestic agricultural market, without which the U.S. agricultural industry would suffer amazing losses. The resulting market voids would be filled by foreign competitors, providing them advantage while diminishing food quality and safety just as our nation's farmers go out of business.

Similarly, program lapses and overall uncertainty have extremely detrimental effects on this industry, which is under additional pressures due to ongoing trade disputes.

Net farm income for 2018 is already projected to be at the lowest level since 2002, and a 50% drop has taken place over the last five years. This is the largest such drop since the Great Depression, per the House Committee on Agriculture.

On account of the relationship between the provisions of **Title I** and the U.S. agricultural industry, the prudent and responsible action for stability in U.S. food markets and the livelihoods of those in the agricultural industry can only be passage of the Farm Bill.

Title II, the conservation title, could be the strongest conservation title of any Farm Bill for Western Members. Increased funding proposals for the Environmental Quality Incentives Program (EQIP), the Conservation Reserve Program (CRP), and the Agriculture Conservation Easement Program (ACEP) are contained in the Conference Report – all welcome fiscal adjustments to useful environmental and soil conservation programs. The Conservation Stewardship Program is restructured to provide better incentives for farmers to address local resource concerns; funding for the program is reduced from \$1.8 billion/year to no greater than \$1 billion, with the difference being rerouted to the EQIP, ACEP and the Regional Conservation Partnership Program (RCPP).

The Conference Report provides \$500 million for important conservation infrastructure initiatives that include flood prevention and watershed rehabilitation.

Title II also establishes the Feral Swine Eradication and Control Pilot Program, in order to address the \$1.5 billion in damages associated with these invasive species. The Title provides important revenues for the Voluntary Public Access Program and reauthorizes the Conservation of Private Grazing Land Program.

On balance, the Title provides a smarter allocation of scarce and useful conservation & environmental control resources while improving incentives for such resources to be effectively used as intended.

There is also policy progress along the lines of rural broadband, the opiate crisis, rural development and mental health care access in Title VI. Secretarial authority to make grants for rural broadband is expanded and standards thereof are improved for rural America. As pertains to rural health, the Conference Report increases resources for treatment quality and access and addresses record farmer suicide rates by reestablishing the Farm and Ranch Stress Assistance Network.

Title VII provides important revenues for universities and research. The Conference Report provides new resources to strengthen the land-grant university system.

Title VIII contains forestry provisions which enhance prevention and treatment of catastrophic wildfire. Insect and disease categorical exclusions to standard environmental review are renewed and expanded to expedite the removal of hazardous fuels from forests. Another categorical exclusion is

added for federal land plots up to 4,500 acres for purposes of promoting Greater Sage Grouse and Mule Deer habitat. Good Neighbor Authority, whereby the U.S. Forest Service (USFS) may enter into cooperative forest management agreements with other entities, is expanded to authorize the USFS to enter into such agreements with counties and Indian Tribes. This adds several important, new tools to the USFS toolkit, improving their flexibility in addressing specific forest management problems.

Finally, the Title authorizes USFS to establish a privately-funded pilot program for utility infrastructure rights-of-way vegetation management, in which limited vegetation management near electricity infrastructure outside of a right of way can be employed in order to stave off wildfires started by contact between trees or vegetation and power lines.

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From: [Western Caucus](#)
To: [benjamin_tuttle@fws.gov](mailto:benjamin_tuggle@fws.gov)
Subject: [EXTERNAL] Western Caucus Reboot 11.30.18
Date: Saturday, December 1, 2018 4:15:26 AM



Week of 11.30.18



*Courtesy of
Kathleen
Ronayne,
Associated
Press*

Members Urge Adoption of Active Forest Management Provisions in Farm Bill Negotiations

On Tuesday, members of the Congressional Western Caucus issued a bipartisan press release urging inclusion of key forestry provisions in the final version of the Farm Bill and condemning obstruction of active management policies by Senate Democrats.

[Click here to read more](#)



*Courtesy of
Erin Schaff,
Reuters*

Western Caucus Commends SCOTUS on Dusky Gopher Frog Critical Habitat Decision

On Wednesday, members of the Congressional Western Caucus released statements reacting to news of this week's SCOTUS Dusky Gopher Frog critical habitat decision.

[Click here to read more](#)



Western Caucus Monthly Bicameral Policy Breakfast

On Friday, the Western Caucus Foundation hosted its Monthly Bicameral Policy Breakfast where congressional staff received updates from the Office of the Senate Majority Leader, the Office of the House Majority Whip, the Office of House Agriculture Committee, the Office of House Natural Resources, the Office of Senate Committee on Energy and Natural Resources, the White House, the Environmental Protection Agency, and the Department of Energy. Staff members also listened to presentations from representatives of the Jordan Cove project and Microsoft's Connect America Now Initiative.



Fracking Has Largely Managed To Hamstring OPEC

The river of oil now hitting the market from U.S. fracking has stunned global energy markets. The U.S. has already leapfrogged both Russia and Saudi Arabia as the No. 1 producer. Will U.S. oil lead to OPEC's demise?

[Click here to read more.](#)



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From: [Western Caucus](#)
To: [benjamin_tuttle@fws.gov](mailto:benjamin_tuggle@fws.gov)
Subject: [EXTERNAL] Western Caucus Reboot 12.14.18
Date: Friday, December 14, 2018 10:33:58 AM



Week of 12.14.18

Western Caucus Applauds Efforts to Unwind Obama Admin's Sage Grouse Land Grab



On Monday, members of the Congressional Western Caucus released statements after the Bureau of Land Management (BLM) released an Environmental Impact Statement and related plan amendments that incorporate greater state and local input related to sage grouse conservation efforts.

[Click here to view](#)

Western Caucus Applauds EPA and Trump Admin's Action To Reverse Job-Killing WOTUS Rule



On Tuesday, Western Caucus members commended the Environmental Protection Agency's proposed reversal of WOTUS via the introduction of a new rule. Members of the Trump Administration, the House, and the Senate expressed their support of the new rule at the EPA before members of the press.

[Click here to view](#)



Western Caucus Reacts to Passage of the Farm Bill

On Wednesday, the Farm Bill passed the House of Representatives with a vote of 369-47 after passing in the Senate by a vote of 87-13. Members of the Western Caucus released statements of support for this legislation that will now head to the President's desk.

[Click here to view](#)



EPA Proposal Will Provide a Balanced Way To Protect Rivers and Other Major Bodies of Water

ICYMI: Check out Chairman Gosar's op-ed in The Hill

about the new EPA proposal that reverses the Obama Administration's land and water grab commonly referred to as WOTUS.

[Click here to view](#)



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From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: 3 Highlights
Date: Sunday, February 19, 2017 9:13:13 AM



Friends,

This week, I voted to confirm several cabinet nominees, met with West Virginia coal miners, and attended a special event at the White House. Keep reading for this week's top three highlights.

1) Cabinet Update

I voted to confirm [Steven Mnuchin](#) for Treasury secretary, [Dr. David Shulkin](#) for VA secretary, [Linda McMahon](#) to head the Small Business Administration, and [Scott Pruitt](#) for EPA administrator this week. These individuals are very qualified to lead their respective departments, and I look forward to working with them to strengthen West Virginia.



On Thursday, Senator Capito spoke on the Senate Floor about her support for President Trump's pick for EPA administrator, Scott Pruitt.

2) Miners Protection

On Wednesday, I met with a group of retired West Virginia miners from the [United Mine Workers of America](#) (UMWA). We discussed the bipartisan [Miners Protection Act](#), which I have been working hard to pass in the Senate. I sent a letter to President Trump urging his support of this effort, and was glad to share his [handwritten](#) response.



3) Anti-Coal Rule Revoked

On Thursday, I joined President Trump and West Virginia miners at the White House for the signing of a [Congressional Review Act \(CRA\)](#) overturning President Obama's final anti-coal rule. The event signaled an end to years of overregulation targeting the coal industry and vital jobs in our state. I was proud to be with the president during the signing of this measure, and I will continue working with him to protect our energy economy. More [here](#).



Social Media Update

Are you following me on [Facebook](#), [Twitter](#) and [Instagram](#)? Sign up now for daily updates from my office.

Social media highlights:



Want to view more photos? Click [here](#).

Sincerely,



Shelley Moore Capito
United States Senator



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From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: A Historic Week in Washington
Date: Sunday, January 22, 2017 9:09:45 AM



Friends,

Capitol Hill was buzzing with excitement around President Donald Trump's Inauguration this week, and I was thrilled to see so many West Virginians in Washington. Keep reading to learn more about the week.

1) 58th Presidential Inauguration

On Friday, I witnessed history as Donald Trump was sworn in as the 45th President of the United States. President Trump has provided much hope in our state, and I stand ready to work with him to expand opportunity, strengthen infrastructure, and grow our energy economy. View highlights from the day:



Donald Trump gives his Inaugural address after being sworn in as the 45th President of the United States.



President Donald Trump was surrounded by family as he took the oath of office.



Senator Capito took a moment to pose for a selfie with friend and colleague Senator Deb Fischer of Nebraska.

2) Protecting our Miners

I joined a bipartisan group of Senators to reintroduce the Miners Protection Act this week. We owe it to our hardworking miners to keep the promise that was made decades ago, and I look forward to working with the Trump Administration to protect health benefits for hard-working coal miners. Learn more [here](#).

3) Cabinet Confirmation Hearings

The Senate held confirmation hearings for several cabinet nominees this week, including two that have direct impacts on West Virginia. I emphasized the need for broadband expansion during Commerce Secretary-designate Wilbur Ross' hearing, and pressed EPA Administrator-designate Scott Pruitt on his commitment to restore the rule of law at an agency that has caused a great deal of job loss in our state. Watch my weekly video message for more details by clicking [here](#) or the image below.



Social Media Update

Are you following me on [Facebook](#), [Twitter](#) and [Instagram](#)? Sign up now for daily updates from my office.

Social media highlights:



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Sincerely,



Shelley Moore Capito
United States Senator



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From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: A Quick Update
Date: Saturday, November 4, 2017 9:14:29 AM



Friends,

My Republican colleagues and I have been working hard to craft a tax reform proposal that will provide a needed boost for families, small businesses, workers and the middle class across our state. That's why I am committed to creating a better system.

Bottom line: Our current tax code is too complicated.

I'm pushing for a [simplified tax code](#) that will provide West Virginians like you relief, save you time and money, and free up resources to grow the economy.

Click [here](#) or the image below to find out more about how a new tax system can help you and others across the country.



Finally!

After years of being ignored by the Obama administration, the EPA is heading to West Virginia for a public hearing later this month. So many West Virginians have been hurt by harmful and burdensome regulations – and our coal miners, their families and entire communities deserve an opportunity to share how they have been affected. Details about the hearing are available [here](#).

#DrugFreeWV Update

Since President Trump's opioid declaration last week, we've made even more progress. On Wednesday, the president's opioid commission released [new recommendations](#) to end this terrible epidemic. Importantly, the [report](#) recognized the need to update privacy laws to ensure medical professionals are aware of a patient's battle with addiction when prescribing new medication. The commission specifically expressed support for the [Legacy Act](#), my bill that addresses this issue and was named after West Virginian Jessie Grubb.

This week, I also introduced the bipartisan [YOUTH Act](#) to help expand access to opioid addiction treatment for adolescents. Far too many families – like the Grubbs – have lost loved ones, and I am concerned that we could lose an entire generation to this crisis. By addressing addiction early on, we can stop more young people in West Virginia and across the country from becoming victims of this growing epidemic. Learn more about the bill [here](#).



Senator Capito participates in a press conference announcing Jessie's Law, named

in honor of West Virginians David and Kate Grubb's (left) daughter, Jessie Grubb.

Working for You

Whether you need guidance with casework or need help planning a trip to Washington, my office is here to assist you. We have helped thousands of constituents like WWII Veteran Walt Filipek from Putnam County and are eager to help you.

After my staff recovered Walt's lost war medals, I had the honor of presenting them to him. Since this day, my office has remained in touch with Walt and participated in a bridge dedication ceremony in his honor last month.

This is just one example of how my office can help, but there are many more. Learn about the services we offer by visiting my website at www.capito.senate.gov.



A member of Senator Capito's staff joins WWII veteran and West Virginian Walt Filipek for a bridge dedication in his honor.

Social Media Recap



Hope you'll join me on [Facebook](#), [Twitter](#) and [Instagram](#) for regular updates and photos.

Sincerely,



Shelley Moore Capito
United States Senator



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From: [Petersen, Scott](#)
To: ["meghan_snow@fws.gov"](mailto:meghan_snow@fws.gov)
Cc: [Paul Souza](#); [Mahan, Kathy](#)
Subject: Delta Smelt Incidental Take Level
Date: Wednesday, December 20, 2017 2:45:09 PM

Good afternoon Meghan,

I understand that the FWS has calculated the Incidental Take Level of delta smelt for California this year as 4 fish (combined) using the Biological Opinion methodology. Can you please send me any background material related to this calculation and the determination of the ITL, as well as a description of efforts that are being undertaken by FWS, in conjunction with other water agencies, to work on real time monitoring and adaptive management approaches?

Best, Scott

J. Scott Petersen, P.E.

Deputy Chief of Staff
Rep. Jim Costa (CA-16)
2081 Rayburn House Office Building
Washington, DC 20515
(202) 225-3341

From: [Lombardi, Kyle](#)
To: [Paul Souza](#)
Subject: FW: Delta Smelt Incidental Take Limit for Water Year 2018
Date: Thursday, January 4, 2018 5:16:20 PM
Attachments: [Adult Delta Smelt for the 2018 Water Year \(1\).pdf](#)

Hi Paul – Can we chat about this tomorrow? If so, what is a good time for me to call you? Thanks.
Kyle

Kyle Lombardi
Rep. Kevin McCarthy
202-225-2915

From: Snow, Meghan [mailto:meghan_snow@fws.gov]
Sent: Thursday, January 04, 2018 5:57 PM
To: Lombardi, Kyle
Cc: Alyssa Hausman
Subject: FYI: Delta Smelt Incidental Take Limit for Water Year 2018

Hello Kyle,

Today, the U.S. Fish and Wildlife Service provided the Bureau of Reclamation with the initial incidental take limit (ITL) for Delta smelt for the 2018 water year based on the 2015 amendment of the incidental take statement for the Service's 2008 Biological Opinion (2008 BiOp) for the Coordinated Long-term Operation of the Central Valley Project and State Water Project. This attached memo sent by the Service to Reclamation provides greater detail on the determination, but in short:

- Based on the results of the Fall Midwater Trawl catch of two Delta smelt, **the level of incidental take of Delta smelt calculated for this year is 16.**
- This is an initial threshold that will be reviewed throughout the water year and adjusted should Enhanced Delta Smelt Monitoring show the presence of more fish.
- Reasons for the record-low catch is currently unknown, but could be the result of the hot, dry summer and fall, or the high flows from the last water year which may have dispersed smelt significantly, or a combination of the two.
- To date, no Delta smelt have been recorded in the Old and Middle Rivers this fall and winter, and risk of entrainment is currently very low. As storm events occur this year and turbidity increases, the Enhanced Delta Smelt Monitoring program will likely catch more fish and provide clearer information about the species' population size and distribution.
- The Service and Reclamation have reinitiated consultation on the 2008 BiOp, and agency teams are coordinating on environmental reviews, including a new BiOp that will incorporate new scientific information that has been developed since the 2008 BiOp.
- The Service plans to revise the BiOp with a new approach for determining incidental take that relies upon the best available science now provided by substantially more years of DFW index data and EDSM. This approach may or may not be ready for use in the 2018 Water Year.

If you have any questions on the determination or the methodology used to calculate the ITL, please feel free to call or email me (contact information below) or Paul Souza, Regional Director, (916) 208-2457.

Meghan Snow

Congressional Affairs Specialist

Pacific Southwest Region (Region 8), U.S. Fish and Wildlife Service

Regional Office - Sacramento, CA

Office: (916) 978-4445

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Email: meghan_snow@fws.gov

Website: <https://www.fws.gov/cno/>



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846

JAN 04 2018

To:

David
Regional Director, Bureau of Reclamation, Mid-Pacific Region
Sacramento, California

From:

John
Regional Director, U.S. Fish and Wildlife Service, Pacific Southwest Region
Sacramento, California

Subject:

Confirmation of Initial Incidental Take for Adult Delta Smelt for the 2018 Water Year

The U.S. Fish and Wildlife Service (Service) provides this memo to the Bureau of Reclamation (Reclamation) confirming the adult delta smelt incidental take for the 2018 Water year based on the 2015 amendment of the incidental take statement for the Service's 2008 Biological Opinion (2008 BiOp) for the Coordinated Long-term Operation of the Central Valley Project and State Water Project (Service File No. 81420-2008-F-1481-5).

This past water year California experienced record-levels of precipitation that created high flow conditions in the Delta during the winter and spring. The Enhanced Delta Smelt Monitoring (EDSM) effort, launched in December 2016, showed a promising increase in abundance of delta smelt through May 2017, with estimates of larval abundance hovering around 3-4 million delta smelt at that time. EDSM is designed to provide richer information about the geographic distribution of smelt, offering more detailed data for real time management than had existed previously through other surveys such as the Fall Midwater Trawl, which are more temporally limited.

After May 2017, conditions in the Delta were notably hot and dry and these conditions extended into the fall. After July, delta smelt were identified in surveys less frequently. The Fall Midwater Trawl (FMWT), for example, caught 2 delta smelt, which is the lowest in FMWT history. As defined in the Incidental Take Statement of the 2008 biological opinion (BiOp), as updated per our December 23, 2015 memo, the level of incidental take of delta smelt calculated from this FMWT number for the upcoming water year would be 16. As you know, reinitiation of consultation regarding the 2008 BiOp has already occurred and our teams are coordinating to conduct needed environmental reviews, including a new BiOp that will incorporate all of the new scientific information that has been developed since the 2008 BiOp.

It is unclear why all of the surveys have recorded such low numbers in recent months. One hypothesis suggests that the high flows from the last water year dispersed smelt significantly and resulted in lower reproduction and survival, although relatively higher larval abundance in June and July suggest otherwise. Another suggests that the extended hot and dry period in the summer and fall reduced survival. Yet another speculates that the extended sunny and clear period in November and December caused the fish to be less susceptible to capture than they would be under overcast, rainy or turbid conditions. These and other factors may also be working in combination.

We have not recorded delta smelt in the area around Old and Middle River this fall and winter, so we believe the risk of entrainment is currently very low. As storm events occur this year and turbidity increases, we expect EDSM to catch more fish and provide clearer information about the species' population size and distribution. As a result, we see this as a transition year that will incorporate EDSM into management decisions, including the incidental take calculation.

Therefore, the initial incidental take threshold for this water year will begin at 16 per the incidental take calculation method described in the 2008 BiOp and 2015 memo. However, we plan to revise the BiOp with a new approach for determining incidental take that relies upon the best available science now provided by substantially more years of California Department of Fish and Wildlife index data and EDSM. This will allow our agencies to use the strength of EDSM's information for adaptive management and develop an incidental take threshold that is more realistic based upon current conditions. Our teams have already begun discussions on this effort, and we would sincerely appreciate your continued participation. This approach may or may not be ready for use in the 2018 Water Year.

In the interim, we believe that continuing to implement the conservation provisions in the 2008 BiOp will be protective of the species. Real time water management will be informed by the accumulating EDSM presence, absence, and geographic distribution information, current and forecasted flows and turbidity. Additionally, we understand the State Water Contractors will be undertaking a new eDNA study that will help set the baseline for this new survey method. We stand ready to fully engage in our weekly (or more frequent if necessary) water management discussions and are confident this information can be used to minimize impacts to the species. This interim approach will avoid jeopardy and adverse modification of critical habitat in the coming water year until the Incidental Take Statement of the BiOp is revised to incorporate the new methodology, or sooner through a modification to the incidental take threshold if necessary for 2018. If 75 percent of this initial incidental take is reached, or 50 percent of incidental take is reached and there is a high likelihood of continued salvage, we will reassess expected take for the remainder of the pre-spawning adult protection season that could extend through approximately the end of March.

Thanks for your partnership and please don't hesitate to call me with questions.

From: [Lombardi, Kyle](#)
To: [Paul Souza](#)
Subject: FW: Proposed Water Management Change in Delta for Fall X2 in October
Date: Friday, September 29, 2017 11:11:40 AM
Attachments: [Proposed changed to Action 4 of the 2008 Biologiacal Opinion \(1\).pdf](#)

Hi Paul – I know you take a lot of incoming from all sides on these thorny California water issues, which can be thankless. So, I just wanted to say thank you for taking this action. This will help our communities now and in the future if, God forbid, we have a dry winter. Kyle

*Kyle Lombardi
Rep. Kevin McCarthy
202-225-2915*

From: Snow, Meghan [mailto:meghan_snow@fws.gov]
Sent: Thursday, September 28, 2017 1:20 PM
To: Lombardi, Kyle
Subject: Proposed Water Management Change in Delta for Fall X2 in October

Hello Kyle,

You may have seen some news over the past two days regarding a proposed change in water management in the Bay Delta for Fall X2 in October. The Service evaluated the science and the impacts of this proposed change on the Delta, and yesterday, issued a decision to Reclamation allowing the one-month change in water management. Below is a synopsis of that decision, and I have attached the memo should you want additional detail. Please let me know if you have any questions.

- After reviewing a request from the Bureau of Reclamation, the U.S. Fish and Wildlife Service made the decision to allow a one-month change in water management guidelines for the San Francisco Bay Delta.
- The Service's 2008 Biological Opinion includes a provision in the fall called "X2," which is an indicator of salinity levels in the San Francisco Bay estuary. In very wet years like this one, the Biological Opinion states that X2 should be targeted 74 kilometers inland from the Pacific Ocean in September and October. In above average water years, the Biological Opinion states that X2 should be targeted at 81 kilometers inland. The Biological Opinion includes an adaptive management provision that allows the Service to make changes to these requirements based upon science and up-to-date information.
- Given the hot and dry conditions since late spring and the repair needs at Oroville Dam, this year, Reclamation proposed targeting X2 at the 74-kilometer mark for September and at the 81-kilometer mark for October, instead of positioning X2 at the 74-kilometer mark for both months. This is essentially a mix of the parameters for "wet" and "above average" precipitation years.
- Based on scientific evaluations of the impact to fisheries and wildlife in the near- and longer-term, and considering the unique weather and reservoir conditions,

the Service recommended to Reclamation that it target X2 at 80 rather than 81 kilometers for October. In doing so, we believe there will be better conditions for fisheries and the potential to fill San Luis Reservoir—a critical source of water for wildlife refuges and migratory birds, as well as for farmers and communities south of the Bay Delta. We believe this modification will help strike a balance between this year's water needs of wildlife, agriculture and municipalities.

- Reclamation is considering our recommendation and is expected to make a decision soon.
- This decision-making process required collaboration between state and Federal agencies, and transparency with water agencies and other stakeholder groups.

All the best,

Meghan

Meghan Snow

Congressional Affairs Specialist

Pacific Southwest Region (Region 8), U.S. Fish and Wildlife Service

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Email: meghan_snow@fws.gov

Website: <https://www.fws.gov/cno/>



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846

In Reply Refer To:

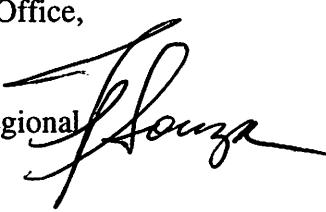
81420-2008-F-1481-15

SEP 26 2017

To: Area Manager, Bureau of Reclamation, Mid-Pacific Region, Bay-Delta Office, Sacramento, California

From: Regional Director, U.S. Fish and Wildlife Service, Pacific Southwest Regional Office, Sacramento, California

Subject: Proposed Change to Action 4 of the 2008 Biological Opinion for the Coordinated Long-Term Operation of the Central Valley Water Project and State Water Project



This memorandum is in response to the Bureau of Reclamation's (Reclamation) September 7, 2017 memorandum requesting reinitiation of consultation with the U.S. Fish and Wildlife Service (Service) on the effects of a proposed change to implementation of the 2008 Biological Opinion for the Coordinated Long-Term Operation of the Central Valley Water Project and State Water Project (2008 BiOp). Specifically, Reclamation proposes a one month (October 2017) modification to the requirements outlined in Component 3, Action 4 (Action 4) of the Reasonable and Prudent Alternative (RPA) from the 2008 BiOp (proposed action). This proposed action is part of Reclamation and DWR's implementation of the Fall X2 adaptive management program. At issue are effects of this proposed action on the threatened delta smelt (*Hypomesus transpacificus*) and its designated critical habitat. This request is separate from the ongoing reinitiated consultation on the 2008 BiOp as a whole.

In reviewing this project, the Service has relied upon: (1) Reclamation's September 7, 2017 memorandum and the attached *Public Water Agency 2017 Fall X2 Adaptive Management Plan Proposal* (Proposal) which includes an analysis of the effects of the proposed action; (2) Reclamation's emails modifying the proposed action; (3) the Service's 2008 BiOp including Action 4 and its adaptive management provisions; and (4) other information available to the Service.

This document amends the 2008 BiOp to address effects of the one month proposed action on delta smelt and its designated critical habitat within the limited context of the adaptive management provisions of Action 4. Unless otherwise noted, all of the information and requirements in the 2008 BiOp remain in place.

Consultation History

<u>July 12, 2017</u>	Special Collaborative Science and Adaptive Management Process (CSAMP) Policy Group Meeting: Fall X2 discussion
<u>July 19- August 3, 2017</u>	Coordination meetings with Reclamation, California Department of Fish and Wildlife (CDFW), the Service, California Department of Water Resources (DWR), and Public Water Agencies (PWAs)
<u>August 14, 2017</u>	Draft proposal provided to Delta Smelt Scoping Team (DSST), and Collaborative Adaptive Management Team (CAMT)
<u>August 14 - August 25, 2017</u>	DSST Review
<u>August 18, 2017</u>	The Service provided comments to Reclamation, PWAs and their consultants from ICF International
<u>August 28, 2017</u>	CSAMP Meeting: Discussion of Proposal
<u>September 7, 2017</u>	Request for Reinitiation received from Reclamation
<u>September 26, 2017</u>	Emails received from Reclamation (D. Murillo, D. Mooney) confirming modification of Fall X2 proposed action.

Regulatory Context

The objective of Action 4 is to improve fall habitat for delta smelt through increasing Delta outflow during fall (2008 BiOp p. 282). The location of the Low Salinity Zone (LSZ) where juvenile delta smelt rear is indexed by X2 (2008 BiOp p. 147). X2 is scaled as the distance in kilometers (km) from the Golden Gate Bridge (Jassby et al. 1995) where salinity is two parts per thousand (2008 BiOp p. 149). The 2008 BiOp states that Action 4 is accomplished by managing X2 through increasing Delta outflow during fall when the preceding water year is wetter than normal (2008 BiOp p. 369). During September and October in years when the preceding precipitation and runoff period was wet or above normal, Reclamation and DWR shall provide sufficient Delta outflow to maintain monthly average X2 no greater (more eastward) than 74 km in wet water years and 81 km in above normal water years (2008 BiOp p. 282).

RPA Action 4 addresses the effects to critical habitat from the coordinated operations of the CVP and SWP, which were found to have reduced habitat quality and quantity by altering the extent and location of the LSZ (2008 BiOp p. 243). At all times of year, the location of X2 influences both the area and quality of habitat available for delta smelt to successfully complete their life cycle (2008 BiOp p. 191). In general, delta smelt habitat quality and surface area are greater when X2 is located in Suisun Bay. Both habitat quality and quantity diminish the more frequently and further the LSZ moves upstream, toward the confluence of the Sacramento and San Joaquin rivers.

RPA Action 4 is structured as an adaptive management action and the requirements of the Action are subject to adaptive management. The discussion of Action 4 provides that the Service will review new scientific information and make changes to the action when the best available information warrants a change. Additionally, the Service will review implementation of the action and the effectiveness of the adaptive management program ten years from the signing of the 2008 BiOp.

2011 Implementation

Since the issuance of the 2008 BiOp, only WY 2011 was classified as a wet year in the Sacramento Valley. Despite a court mandated modification to the implementation of Action 4 for 2011, the daily average X2 values from DAYFLOW for September and October 2011 were 75 km and 74 km, respectively (pers. comm. D. Hilts). Therefore, the implementation criteria of Action 4 were functionally met in 2011. There have been no years classified as above normal in this period.

The delta smelt Fall Midwater Trawl (FMWT) abundance index increased more than tenfold in 2011 over its prior year value (<http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>). Reclamation in cooperation with the Interagency Ecological Program (IEP) implemented the fall low salinity habitat (FLaSH) investigations in the fall of 2011 to explore hypotheses about the role of low-salinity habitat to the biology of delta smelt (Brown et al. 2014). Ultimately, directed 2011 FLaSH studies were considered largely inconclusive because many of the key predictions either could not be evaluated with the available data (e.g., primary production), or the necessary data were not collected (e.g., fecundity estimates). Abiotic habitat did increase in 2011 as predicted from Reclamation's 2011 Fall X2 Adaptive Management Program (AMP), but other variables such as zooplankton abundance were too variable to draw a conclusion and delta smelt growth rate comparisons remain incomplete as of 2017.

Similar to the approach taken in the FLaSH investigations, the IEP's Management Analysis and Synthesis Team's (MAST) updated conceptual model was used to generate hypotheses about the factors that may have contributed throughout 2011 to that year's increase in delta smelt abundance (IEP MAST 2015 p. 109). The authors of the MAST report surmised that the increase in abundance of delta smelt could be attributed to favorable habitat in all life stages, including the subadult stage, which benefited from "good food availability and from favorable habitat conditions in the large, westward LSZ" (IEP MAST 2015 p. 144). Both the FLaSH and MAST reports indicated that there were limitations to the application of the data to testing every component of the multifactor delta smelt conceptual models.

Proposed Action

In Reclamation's initial request for reinitiation, Reclamation and DWR proposed to operate their facilities in 2017 to achieve an average X2 location no greater (more eastward) than 81 km in October. Reclamation later modified their proposal to operate to maintain an average X2 location of no more eastward than 80 km. Operations for September and November would remain unchanged from those described for RPA Action 4 in the 2008 BiOp. For September, the monthly average X2 will be maintained at no more eastward than 74 km.

The proposed action also includes modification to the operation of the Delta Cross Channel (DCC) gates. This modification is being analyzed as part of a request by CDFW to reduce straying of returning fall-run Chinook salmon that were released directly into the Delta in 2014 to increase the survival of the young smolts during drought conditions. The DCC gate operations have been modeled in relation to the proposed X2 operations. The effects of the potential modified DCC gate operations on X2 are addressed as bookends and are included in the operational modeling. The specific DCC action was part of a separate request, but the operation is included here for purposes of analyzing effects.

In addition to the fall X2 action and DCC operation, a number of habitat actions will be either implemented in 2017, or studied for their potential to be implemented in 2018 or 2019.

Supplementation of the available food supply in the Sacramento River is proposed to occur in fall 2017, and could also be implemented in 2018. This action would be similar to the action that occurred in 2016, when flood-up and drain practices on rice fields were modified to test the potential for food production by draining rice fields earlier and more frequently to export zooplankton to the Sacramento River. Participating landowners drained their fields to the Sacramento River and refilled these fields every 3-4 weeks, thus generating and delivering floodplain fish food to the river ecosystem.

In 2016, DWR also successfully implemented a food augmentation project called the North Delta Foodweb Adaptive Management Project (foodweb project), an action included in the Delta Smelt Resiliency Strategy, which elevated levels of primary production in the north Delta where some delta smelt were rearing. Unfortunately construction activity on the Wallace Weir salmon passage improvement project in the Yolo Bypass this summer has precluded implementation of the foodweb project in 2017, but DWR intends to implement the foodweb project again in summer and/or fall of 2018.

Additional actions to benefit the food supply and other components of delta smelt habitat are being proposed for further study and potential implementation in 2018 or 2019, including:

- Suisun Marsh Salinity Control Gate reoperation: Opening and closing the Suisun Marsh Salinity Control gates so that a greater portion of Suisun Marsh is low salinity habitat may increase delta smelt occupancy of large marsh channels where feeding success was recently observed to be higher than in Suisun Bay.
- Napa River flow augmentation: Provide increased flows on the Napa River in the fall to increase low salinity delta smelt habitat near tidal marshes in the Napa River, where high salinity typically precludes delta smelt use during the fall.
- Sacramento River Deepwater Ship Channel lock reoperation: Opening the locks at West Sacramento to move the relatively high primary production in the Ship Channel downstream into areas where a greater portion of delta smelt occur.

Monitoring will be undertaken in fall 2017 to test the support for the conceptual models linking delta smelt growth and survival to food availability and other habitat opportunities that change with the location of the LSZ. In addition to the long-term monitoring program that has been in

place for decades, the Service and Reclamation are conducting Enhanced Delta Smelt Monitoring (EDSM) combined with additional paired sampling of zooplankton and water quality to assess a broad variety of habitat features. Outside of the EDSM study area, additional habitat monitoring is proposed for the Napa River. This fall 2017 monitoring effort will be synthesized in 2018 to inform the ongoing CSAMP discussions described below, as well as discussions about modified operations of the Suisun Marsh Salinity Control Gates, and potential operational changes in Napa River.

The 2017 monitoring program includes the following:

- EDSM by the Service and Reclamation;
- Habitat monitoring, contracted through the State Water Contractors (SWC);
- Suisun Marsh and Montezuma Slough monitoring funded by DWR that will be used to inform the potential for Suisun Marsh Salinity Control Gate operations in 2018, per the Delta Smelt Resiliency Strategy;
- Napa River monitoring funded by the State and Federal Contractors Water Agency (SFCWA) to better understand habitat conditions of that low salinity zone;
- Synthesis of information by the IEP to be included in the RPA Action 4 10-year review and in reporting on 2017 research.

Special Circumstances

The damage that occurred at Oroville Dam in early 2017 requires operations that differ significantly from a typical wet year. In the interest of public safety, reservoir levels were substantially lowered while the dam and its spillway were being repaired. The Federal Energy Regulatory Commission has required that DWR keep levels as low as feasible through November 1, 2017. According to Reclamation's memo, this has impacted the water supply in Oroville to the point that the current and projected levels of water in storage nearly mimic those of drought years. Additionally, late spring and summer hydrologic conditions were drier in 2017 than in 2011, the only previous year since the Service's current BiOp has been in place in which X2 averaged near 74 km for September and October.

Ongoing Collaboration and Monitoring Opportunities

Parties to the 2008 BiOp litigation created the CSAMP to provide a forum to address scientific disagreements and uncertainties surrounding the 2008 BiOp and 2009 NMFS Biological Opinion. The Water Infrastructure Improvements for the Nation Act requires Federal agencies to regularly solicit input from the CSAMP in any consultation or reconsultation on the coordinated operations of the Central Valley Project and the State Water Project. This forum has provided an opportunity for participants to formulate science and management questions and to seek answers to these questions by funding agreed-upon studies. Results of the first of these studies have been completed and more are expected to be completed in the next year.

The efficacy of the Fall X2 action is one element of the RPA that has long been the subject of disagreement. A robust discussion around Fall X2 and outflow in other seasons for other species needs continues in CSAMP. A CSAMP-funded study re-analyzing the data set used by the Service to develop the Fall X2 action in the 2008 BiOp is scheduled to be completed in 2018.

Early in 2017 it was recognized that we might gain insight into species response to increased outflow by studying the effects of elevated outflow expected to occur in summer and fall of 2017 due to the wet hydrology. This study anticipated taking advantage of long-standing sampling efforts and the EDSM effort, as well as supplemental monitoring designed to augment the monitoring already in place. While the supplemental monitoring took some time to initiate, fish tissues have been collected since August and supplemental habitat monitoring began in September. Reclamation has made a substantial investment in this monitoring, both through EDSM and the supplemental monitoring described above. In addition, the PWAs estimate that approximately \$800,000 will go towards supporting the monitoring efforts described above and in the Proposal. We believe these substantial investments in monitoring will yield new information which can help us develop tools to better determine the effects of actions such as the one proposed, as well as allow us to better understand the effects of management actions that can be taken to support delta smelt in the future.

The relevance of the collaborative nature of the current process cannot be understated. We now have several partners at the CSAMP table willing to make substantial investments to further our understanding of key management questions related to the protection of delta smelt and other species. We are confident that this effort will lead to more robust understanding of delta smelt and the actions that can be taken to protect them, while reducing the number of uncertainties around management of the Bay-Delta.

Effects of the Proposed Action

The Proposal includes an operational forecast for X2 for September-November, 2017. This forecast included projections for X2 with full implementation of the 2008 BiOp (i.e., average X2 = 74 km in September and October) and the proposed action (i.e., average X2 = 74 km in September and average X2 = 81 km in October), for DWR's estimate of an 80% confidence interval of the range in fall hydrology, bracketed within 'wet' and 'dry' bounds. For October 2017, X2 under the proposed action was modeled to range between 72 km and 81 km, depending on the hydrologic assumption used. Whereas the mean X2 in September was close to 74 km for all four scenarios examined, mean X2 in October was projected to be just over 73 km for full implementation of the 2008 BiOp, compared to around 78 km for the proposed action (See Table 1 in the Proposal). Therefore, the Proposal indicates there is a very good chance that X2 this October could be further downstream than 81 km, but the effects analysis in the Proposal includes the 81 km upper bound to conservatively describe the largest proposed change in X2.

Effects to Delta Smelt

Reclamation has concluded that the proposed action will not adversely affect delta smelt. The effects analysis in the Proposal provided by Reclamation revisited the 2008 BiOp stock-recruitment-X2 relationship, adopting a different stock-recruit formulation, and extending the

time series with several additional years of data. The effects analysis in the Proposal found that the fall X2 environment-recruitment correlation does not reliably increase the ability to predict recruitment of the juvenile life stage (Summer Townet index [STN]) from the previous year's subadult life stage (FMWT index). Reclamation noted that this finding does not invalidate work by others hypothesizing how fall X2 predicts the quality and quantity of delta smelt habitat (Feyrer et al. 2007; Feyrer et al. 2011); however, the analysis in the Proposal and work by others (MacNally et al. 2010; Thomson et al. 2010; Miller et al. 2012) have failed to detect a significant long-term population-level response to changes in habitat associated with fall X2.

The Service does not believe that the Proposal's stock-recruit analysis is useful to determine effects to delta smelt from this short-term action. The reason is that too much time passes between the component samples of a FMWT index and the component samples of a STN index to expect to see a persistent effect of Fall X2 (even when it is averaged over longer time periods than the proposed action). More than six months elapses between these sampling programs, during which time surviving adults mature, spawn, and die and the next generation of young delta smelt hatches into the plankton, passes through the larval stages, and metamorphoses into a new generation of juvenile fish. It has long been considered unreasonable to expect a statistical analysis to find a clear driver of the variation in fish recruitment that persists over long periods of time (Myers 1998). Consistent with this general fisheries science hypothesis, conceptual models of delta smelt's population trends have long invoked the hypothesis that multiple factors interact to affect recruitment (Bennett and Moyle 1996; Sommer et al. 2007; IEP 2015). Statistical assessments have generally provided quantitative evidence for some version of a multi-factor recruitment hypothesis (Bennett 2005; MacNally et al. 2010; Thomson et al. 2010; Maunder and Deriso 2011; Miller et al. 2012). The same is true of a recent individual-based life cycle model (Rose et al. 2013a, b).

While Reclamation has determined there will be no effect to Delta Smelt from the proposed action, we conclude there may be some effect to Delta Smelt related to the effects to Critical Habitat discussed below. The Effects Analysis in the Proposal demonstrates substantially greater effects when X2 is at 81km as compared to an X2 location of the forecasted 78 km X2 position in a wetter scenario and 79 km X2 position in a drier scenario. We believe there is corresponding reduction in the likelihood of effects to Delta Smelt when the effects to Critical Habitat are reduced however based on existing methods we are unable to quantify these effects.

Because the action proposed is short term in nature, we conclude that effects caused by the short term eastward increase in X2 position is unlikely to be detectable given the longer time scales used to inform existing data sets and analyses. It is possible that the EDSM and supplemental Reclamation sampling may provide more conclusive evidence of effects this year and if these studies do, that information will be synthesized next year and considered in future adaptive fall actions. But, at this time, tools to determine effects of this short term action are not available.

Effects to Delta Smelt Critical Habitat

Based on the effects analysis in the Proposal, Reclamation concluded that the proposed action is likely to adversely affect delta smelt critical habitat. The analysis presents information on the effects to both habitat area and habitat quality. It also provides a retrospective analysis of

seasonal patterns of historical X2 locations, and presents analyses on food density, water clarity and water temperature in the LSZ.

As stated in the effects analysis in the Proposal, in terms of habitat area, the proposed action is expected to reduce the average area of the LSZ by 37% in October, from 8,408 hectares (ha) when X2 is located at 74 km, to 5,313 ha when X2 is located at 81 km. If the average X2 location remained at 78 km this October, the estimated area of the LSZ is 7,959 ha which would represent less than a 7% reduction in habitat area compared to X2 located at 74 km.

The proposed action is expected to result in lower habitat suitability, as demonstrated by a decrease in the abiotic habitat index described by Feyrer et al. (2011). When X2 is located at 74 km and 81 km, the abiotic habitat index estimates are 7261 and 4835, respectively. This represents a reduction in suitability of approximately 33%. If the average location of X2 remained at 78 km this October, the predicted abiotic habitat index value would be 6099, which would represent a 16% reduction compared to X2 located at 74 km. The effects analysis in the Proposal also included habitat suitability estimates based on the newer 3-Dhydrodynamics-based station index (SI_H) (Bever et al. 2016). Based on the SI_H -X2 relationship, an X2 of 74 km in September would give an SI_H of 0.39 if turbidity is low and 0.62 if turbidity is high. An X2 of 81 km in October would give SI_H of 0.26 if turbidity is low and 0.42 if turbidity is high. Thus, under both low and high turbidity assumptions, X2 of 81 km would represent approximately 32-33% lower SI_H than if X2 were at 74 km this October. The SI_H values at low and high turbidity for X2 at 78 km are 0.35 and 0.54, respectively.

The findings presented in the analysis of effects in the Proposal to habitat area and habitat quality are consistent with the position of the 2008 BiOp that a westward and variable location of fall habitat provides increased habitat area and distributes the species into more diverse geographic areas reducing the potential risk of future entrainment loss, contaminants and predation (2008 BiOp p. 373). The effects analysis in the Proposal uses the UNTRIM model to provide 3D depictions of salinity and other habitat parameters laid over the geography of the estuary moving X2 from 74 km to 81 km and each kilometer in between. This model was not available at the time the 2008 BiOp was prepared.

Like the results of Feyrer et al. (2011), use of the UNTRIM model demonstrates that effects from moving X2 eastward are not linear and the effect of the eastward movement varies by kilometer. The largest single-kilometer inflection point demonstrated in the model is between 80 and 81 kilometers. At 80 km, parts of Grizzly Bay near Suisun Marsh and all of Montezuma Slough remain at salinities favored by delta smelt 100% of the time. When X2 moves to 81 km, the amount of time that salinity remains less than 6 parts per thousand (ppt) in Grizzly Bay and portions of Montezuma Slough drops to approximately 20%.

The *Status of Delta Smelt* section of the effects analysis in the Proposal provided by Reclamation outlines that both the STN survey and EDSM in 2017 indicate a large proportion of the juvenile delta smelt population is occurring within, or close to, the LSZ. Therefore, modification of Action 4 could affect the critical habitat currently being occupied by a significant proportion of the population, by reducing the area of the LSZ and its overlap with areas of relatively high

turbidity and low current speed. The proportion of the population that could be affected could change if delta smelt move upstream to the northern Delta prior to the proposed action.

As described above, Reclamation's proposed action is to maintain an average X2 no more eastward than 80 km for the month of October. The analysis provides a forecasted average monthly location of 78-79 km, depending on modeled hydrology, and exceeds 80 km only in the drier hydrology for a short period during the month. Given the large inflection point demonstrated by the UNTRIM model between 80 and 81 km, and the other habitat analyses that show disproportionately lesser effects at the forecasted X2 locations, we encourage Reclamation and DWR to hold the October X2 location westward of 80 km as much as possible to limit the habitat changes that were modeled to occur when X2 reaches 81 km.

DCC Gate Operation

Modification of DCC Gate will not result in any measurable effect to outflow during the September to November time period. The Service is supportive of the need for closure this fall.

Conclusion

Reclamation has requested a one month deviation from Action 4 for 2017 to be considered as an adaptive management action under Action 4. Reclamation's proposal highlights the extraordinary circumstances of this year, including the modified operation at Oroville, proposes additional activities with biological and scientific value, and proposes a significantly enhanced and supplemental monitoring. Additionally, this adaptive management action will help inform ongoing collaborative discussions in CSAMP and the Reinitiation of Consultation on Long Term Operations of the CVP and SWP.

This memo amends the 2008 BiOp to allow for Reclamation to operate its facilities to achieve an average X2 location no greater (more eastward) than 80 km in October, 2017. We appreciate Reclamation's concurrence to amend its original proposal to hold the average X2 location no more eastward than 80 km. Given the adverse effects to critical habitat demonstrated by the analysis in the Proposal, we encourage Reclamation and DWR to hold X2 westward of 80 km as much as possible to avoid the more substantial effects realized when the location moves eastward.

cc:

Maria Rea, National Marine Fisheries Service, Sacramento, CA
Carl Wilcox, California Department of Fish and Wildlife, Yountville, CA
Michelle Banonis, California Department of Water Resources, Sacramento, CA

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D. Hilts personal communication

<http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>

From: [Watts, John \(Feinstein\)](#)
To: [Paul Souza](#)
Subject: FW: Recommendation for DS monitoring and conservation hatchery -updated
Date: Wednesday, February 8, 2017 2:57:18 PM
Attachments: [Recommendation for DS monitoring and conservation hatchery -updated.docx](#)
[ATT00001.htm](#)

Here is what MWD sent to me.

From: Patterson,Roger K [mailto:RPatterson@mwdh2o.com]
Sent: Tuesday, February 07, 2017 8:33 PM
To: Watts, John (Feinstein) <John_Watts@feinstein.senate.gov>
Cc: Zinke,Dee <DZinke@mwdh2o.com>
Subject: Fwd: Recommendation for DS monitoring and conservation hatchery -updated

John. Let us know if you need anything else.

Will have science plan on Friday.

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.

Delta Smelt Distribution Study

The long-term goal of the Delta Smelt Distribution Study should be to develop a monitoring program that is specifically designed for Delta Smelt. The existing monitoring programs were developed to sample species other than Delta Smelt; Delta Smelt were merely by-catch. The near-term goal of the Delta Smelt Distribution Study should be to gain a better understanding of the distribution and life history of Delta Smelt, including species' abundance and habitat requirements. This knowledge is critical to species conservation and recovery.

The components of the Delta Smelt Distribution Study should include:

- Development of a sampling protocol: Monitoring design experts should be commissioned to develop a sampling protocol. The protocol should be developed in a process where stakeholders and other members of the scientific community can provide input. The protocol should be approached as if the Delta Smelt is a new species that has never been sampled, adopting a range of sampling techniques to investigate multiple water depths across the entire geographic extent of the Delta and neighboring habitats. The initial development of a sampling protocol should include experiments, testing many types of nets at previously un-sampled locations under various environmental conditions. As Delta Smelt habitat is better identified, the types of gears used and the number of locations sampled could become more targeted. Delta Smelt distribution is a function of season and environmental conditions, so monitoring should occur year-round. Delta Smelt abundance should be determined by life stage, and all parts of the Delta Smelt habitat need to be part of the sampling scheme. This information would be used to inform lifecycle models.
- Studies evaluating sampling bias: Studies should be undertaken to evaluate potential bias factors, like turbidity, time-of-day, water depth, tidal cycle, etc. These studies would inform the development of correction factors for the existing data record, as well as inform improvements in the existing sampling program. Studies should also be undertaken to investigate new survey techniques that have lower incidental take, like eDNA¹ and the SmeltCam.²

Background

The FWS' new Enhanced Delta Smelt Monitoring Program ("EDSM Program") has been informative but it is not designed to identify species distribution throughout its range, rather it is focused on areas where Delta Smelt bycatch is generally high, with the limited aim of estimating

¹ eDNA is a survey method that samples the water to identify residual DNA from fish that reside in the sampled habitats. It has the potential identify Delta Smelt without handling the fish. There have been recent investigations using this technique for Delta Smelt and the initial results have been encouraging, suggesting this method could be used for Delta Smelt.

² The SmeltCam is a net with cameras mounted on the sides that is pulled through the water. The sampling equipment includes visual recognition software that can identify Delta Smelt. This sampling method reduces take as the fish are not caught and handled, although they could get caught in the nets as it moves through the water.

the risks to Delta Smelt from export operations. As can be seen in the EDSM sampling design, the EDSM does not sample the species entire range. See Figure 1, below.

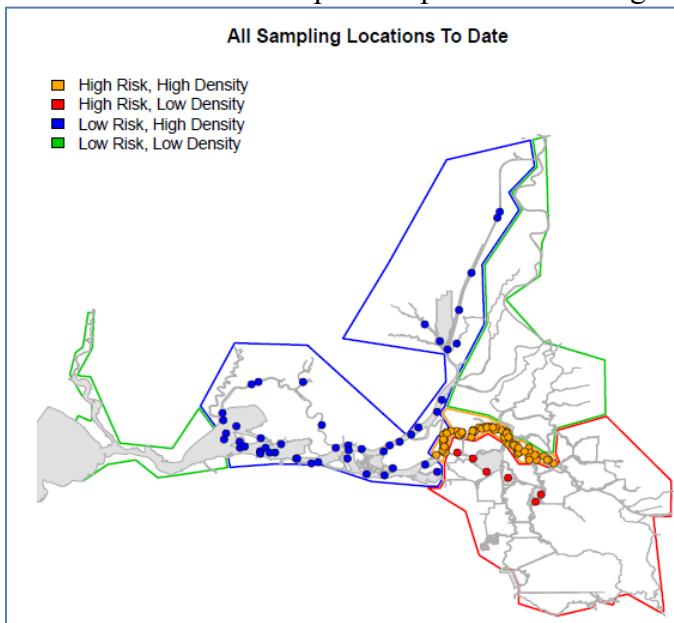


Figure 1. Enhanced Delta Smelt Monitoring, FWS, January 27, 2017. Map illustrating all EDSM monitoring locations.

As shown in Figure 1, the majority of the south and central Delta, Napa River, Grizzly Bay, Honker Bay, San Pablo Bay, small channels in and around Suisun Marsh, as well as areas upstream of the City of Sacramento are not being sampled in the EDSM Program. The region north of the City of Sacramento is not even included in the EDSM map of monitoring locations, even though Delta Smelt have been identified in beach seine surveys as far upstream as Knights Landing. The agencies have been hesitant to sample along shorelines and in shallow environments like Grizzly Bay because it is difficult to maneuver the existing sampling boats into these areas. New sampling equipment may need to be utilized, such as pontoon boats that can enter shallow habitats.

The Delta Smelt Distribution Studies can be incorporated into, and operated in conjunction with, the EDSM to avoid redundancy within the sampling programs. The current EDSM, however, would need to be expanded to include the species' entire range, and well as expanded to include sampling using a variety of techniques based on the sampling protocol described above.

The California Fish and Wildlife Service and the U.S. Fish and Wildlife Service have not determined how the EDSM and Delta Smelt Distribution Study may relate to their existing sampling programs. Currently, the EDSM has been additive, occurring in addition to the existing monitoring programs. The incidental take from the existing monitoring programs can be significant. For example, a single Kodiak trawl took 214 Delta Smelt in December 2016. While these fish may have been released after sampling, Delta Smelt are believed to have a low survival rate after handling. A recent paper by Dr. Robert Latour, completed as part of the CAMT investigations, concluded that there is evidence of over sampling in the FMWT and also evidence of low catch. (See Latour, 2017, pp. 20 and 26 ["...evidence of oversampling] and p. 8 ["...high frequency of zero observations....."]. As part of the Delta Smelt Distribution Study, the

agencies should consider reducing the number of historic sampling locations. The downsized historic sampling should continue for a period of time so that the historic surveys and the EDSM/Delta Smelt Distribution Study sampling can be calibrated. Ultimately, several of the historic surveys should probably be ended. For example, the Chipps Island Trawl data is not used by the fishery agencies for making management decisions and no published papers analyze this data, so the Chipps Island survey could probably be ended. The current Kodiak Trawling could potentially be replaced by the EDSM/Delta Smelt Distribution Study monitoring, which also uses the Kodiak Trawl sampling equipment. The Fall Mid Water Trawl does not appear effective, and may also be a program that is ultimately ended. The results of the Delta Smelt Distribution Study will inform these future decisions.

As there is significant overlap in the Delta Smelt and Longfin Smelt distribution, the Delta Smelt Distribution Study should also consider Longfin Smelt in its sampling program. Catch of Longfin Smelt during the Delta Smelt Distribution Study should be recorded and the design of the future Delta Smelt sampling program should also be informed by Longfin Smelt distribution. The Delta Smelt Distribution Study will not sufficiently account for the entire range of Longfin Smelt, as Longfin Smelt are often distributed significantly further downstream than Delta Smelt. Studies of Longfin Smelt species distribution are an additional research priority.

Conservation Hatchery

The concept of a conservation hatchery is well established. As the National Marine Fisheries Service (“NMFS”) has explained:³

A conservation hatchery may be defined as a rearing facility to breed and propagate a stock of fish with equivalent genetic resources as the native stock, and with the full ability to return to reproduce naturally in its native habitat. A conservation hatchery is therefore a facility equipped with a full complement of culture strategies to produce very specific stock of fish in meaningful numbers.

NMFS further explained at p. 8 that, “A conservation hatchery can play a vital part in the recovery of threatened or endangered species by maintaining their genetic diversity and natural behavior, and reducing the short-term risk of extinction.”

In light of the fishery agencies’ concerns regarding species extinction, a conservation hatchery for Delta Smelt is a reasonable approach to protecting the species for potential reintroduction in the future. The near-term need for a conservation hatchery is further justified by the importance of studying Delta Smelt to better understand their life history, including swimming behavior, food preferences, and potential toxicity thresholds. For example, Metropolitan Water District and others have been participating in studies that investigate tagging technology to determine whether Delta Smelt can be tagged, as has been done with salmon, to learn how they distribute themselves and to identify their habitats. Ultimately, if Delta Smelt can be tagged, researchers would like to release Delta Smelt into Delta waters for experimental purposes. Initially, Delta Smelt experiments could be undertaken in Clifton Court, which is a body of water that can be

³ National Marine Fisheries Service, 1999. A Conceptual Framework for Conservation Hatchery Strategies for Pacific Salmonids, NOAA Technical Memorandum, NMFS-NWFSC-38, p. 1.

isolated from the natural channels. Ultimately, once a hatchery management plan has been completed, researchers would like to release a limited number of tagged or marked Delta Smelt into the Delta for experimental purposes, which would significantly advance our understanding of the species. Other experiments where hatchery Delta Smelt could be, and have been, useful include testing to determine toxicity thresholds for various contaminants and feeding studies. The existing hatchery has provided very useful information regarding feeding and spawning behavior.

One of the hurdles to creating a Delta Smelt resiliency plan and recovery plan has been the lack of a fundamental understanding of the species life history, habitat needs, and food preferences. Without this information, any actions developed to conserve and protect the species are highly uncertain. A conservation hatchery could be an invaluable tool that not only preserves the species and its genetic diversity, but also advances scientific understanding so future management actions are effective at protecting and promoting the species.

From: [Petersen, Scott](#)
To: [Paul Souza](#); ["grant.davis@water.ca.gov"](#); ["Bonham, Chuck@Wildlife"](#); ["eileen.sobeck@waterboards.ca.gov"](#)
Cc: [Friend, Janiene](#); [\(Janiene.Friend@water.ca.gov\)](#); [jan.ortiz@wildlife.ca.gov](#); [Meghan Snow](#)
Subject: FW: SCHEDULING REQUEST: Rep. Costa San Joaquin Valley Water Meeting - Week of January 22
Date: Tuesday, January 9, 2018 1:46:30 PM
Importance: High

Good morning,

I'm following up on the below email, sent to determine your respective availability for a meeting that Congressman Costa would like to hold the week of January 22nd. Ideally, Wednesday the 24th or Thursday the 25th will work for you, but if it doesn't, can you please check your respective availability and confirm if Friday, February 2nd works as a backup?

I appreciate your consideration of this meeting request and look forward to hearing back regarding your availability. Also, if there are any questions, please feel free to contact me on my cell phone at

(b) (6)

Thank you!

Best, Scott

J. Scott Petersen, P.E.

Deputy Chief of Staff
Rep. Jim Costa (CA-16)

From: Petersen, Scott

Sent: Thursday, January 04, 2018 6:41 PM

To: Barry Thom <barry.thom@noaa.gov>; Paul Souza <paul_souza@fws.gov>; David Murillo (dmurillo@usbr.gov) <dmurillo@usbr.gov>; 'grant.davis@water.ca.gov' <grant.davis@water.ca.gov>; 'Bonham, Chuck@Wildlife' <Chuck.Bonham@wildlife.ca.gov>; 'eileen.sobeck@waterboards.ca.gov' <eileen.sobeck@waterboards.ca.gov>

Cc: Jason Peltier <jason.peltier@sldmwa.org>; Bourbon, Christy <Christy.Bourbon@mail.house.gov>; Mahan, Kathy <Kathy.Mahan@mail.house.gov>; 'cheri.worthy@sldmwa.org' <cheri.worthy@sldmwa.org>; Friend, Janiene @ DWR (Janiene.Friend@water.ca.gov) <Janiene.Friend@water.ca.gov>; jan.ortiz@wildlife.ca.gov; 'joan.r.langhans@noaa.gov' <joan.r.langhans@noaa.gov>; Becky Lizama <becky.lizama@noaa.gov>; 'kevin.sabo@usbr.gov' <kevin.sabo@usbr.gov>; nancy.acquino@waterboards.ca.gov; Meghan Snow <meghan_snow@fws.gov>; Alene Thomas <athomas@usbr.gov>; Mason, Joshua <Joshua.Mason@mail.house.gov>

Subject: SCHEDULING REQUEST: Rep. Costa San Joaquin Valley Water Meeting - Week of January 22

Importance: High

Good afternoon! I hope that the new year is off to a good start for everyone!
Congressman Costa would like to schedule a meeting between your respective agencies and the General Managers and Board Chairmen of the water districts in the San Joaquin Valley during the

th

week of January 22 at the offices of San Luis and Delta Mendota Water Authority, located at 842 6 Street, Los Banos, CA. Currently, the Board meeting room is available from 10:00 am – 12:00 pm on the following days:

- Tuesday, January 23
- Wednesday, January 24
- Thursday, January 25

If you could please respond with your availability to attend during any of those dates, the Congressman would greatly appreciate it.

Likely topics to be discussed include the upcoming 2017-2018 water year operations, WIIN Act implementation, biological opinion reconsultation, CVP operations EIS, State Water Board activity on unimpaired flows, and the California WaterFix.

Thanks as always for your consideration and I look forward to hearing back from you as to your availability.

Best, Scott

J. Scott Petersen, P.E.

Deputy Chief of Staff
Rep. Jim Costa (CA-16)
2081 Rayburn House Office Building
Washington, DC 20515
(202) 225-3341

From: [Watts, John \(Feinstein\)](#)
To: [Paul Souza](#)
Subject: Letter from Senator Feinstein to you on Delta smelt distribution study and use of hatchery smelt
Date: Tuesday, April 4, 2017 1:20:28 PM
Attachments: [DF to USFWS PSW Region Souza re smelt studies 4.4.17.pdf](#)

Paul,

Attached is the letter we discussed a few weeks ago, sent by Senator Feinstein.

I would be happy to discuss it further if you like. I am at 202-224-7261.

Best,

John



United States Senate
WASHINGTON, DC 20510-0504
<http://feinstein.senate.gov>

April 4, 2017

Regional Director Paul Souza
Pacific Southwest Region
U.S. Fish & Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Dear Paul:

Thank you for your thoughtful efforts to both protect species and to allow for much needed water supply. I write to urge your expeditious implementation of two programs to help us understand and restore the Delta smelt: a smelt distribution study and an enhanced smelt conservation hatchery. Both of these programs are required by the recently enacted Water Infrastructure Improvements for the Nation Act (“WIIN Act”, Public Law 114-322). I would appreciate learning how you plan to implement each of these efforts.

Section 4010(a)(4) of the WIIN Act requires a Delta smelt distribution study “to understand the location and determine the abundance and distribution of Delta smelt throughout their range.” This provision requires that the Fish and Wildlife Service initiate the distribution study by March 16, 2017 (within 90 days of the statute’s enactment on December 16, 2016).

The distribution study could greatly advance our understanding of the Delta smelt, its range, and its seasonal abundance in different habitats, all of which could be useful in informing efforts to restore the smelt. The distribution study would complement the Enhanced Delta Smelt Monitoring Program (“enhanced monitoring”), which has significantly improved on prior monitoring efforts but is not designed to identify species distribution *“throughout their range”* (section 4010(a)(4) (emphasis added)). As shown in the attached map, the enhanced monitoring program does not sample the majority of the south and central Delta, Napa River, Grizzly Bay, Honker Bay, San Pablo Bay, small channels in and around Suisun Marsh, as well as areas upstream of the City of Sacramento.

A distribution study would sample for smelt in shallow waters which they may prefer, in contrast to current sampling that has focused on deeper channels. This could involve the use of different equipment from that currently used, including pontoon boats and lampara nets that are currently being successfully used to collect Delta smelt brood stock for the Delta smelt refuge population at the Fish Conservation and Culture Laboratory.

Section 4010(b)(5) of the WIIN Act requires “the expanded use of conservation hatchery programs to enhance, supplement, and rebuild Delta smelt and Endangered Species Act-listed fish species under the smelt and salmonid biological opinions.” The National Marine Fisheries Service (NMFS) provided the language in section 4010(b)(5) as a technical drafting service, and NMFS has previously explained the utility of a conservation hatchery:

A conservation hatchery may be defined as a rearing facility to breed and propagate a stock of fish with equivalent genetic resources as the native stock, and with the full ability to return to reproduce naturally in its native habitat. A conservation hatchery is therefore a facility equipped with a full complement of culture strategies to produce very specific stock of fish in meaningful numbers.¹

NMFS further explained that, “A conservation hatchery can play a vital part in the recovery of threatened or endangered species by maintaining their genetic diversity and natural behavior, and reducing the short-term risk of extinction.”²

There is an immediate action you can take to expand the utility of the existing Delta smelt hatchery program. Right now I understand that there is no ability to use existing hatchery fish in controlled environments outside the lab to conduct studies and tests on many critical factors affecting the Delta smelt, including growth and survival benefits from different areas of the Delta, field exposures to contaminants in the Delta, and impacts from actions taken under the Delta Smelt Resiliency Strategy. It would be very useful to be able to use hatchery fish to conduct these studies in a location such as Clifton Court, which is a body of water that can be isolated from the natural channels, or in cage studies in other areas of the Delta. It is my understanding that in order to conduct field experiments, a genetics plan for hatchery fish is required to address the impacts from the unlikely possibility of their escape from such a controlled environment. I

¹ National Marine Fisheries Service, 1999. A Conceptual Framework for Conservation Hatchery Strategies for Pacific Salmonids, NOAA Technical Memorandum, NMFS-NWFSC-38, p. 1.

² Id., p. 8.

urge you to complete the genetics plan as soon as possible so the hatchery fish can be used to help us understand and restore the smelt.

Over the longer-term, it would also be helpful if you could expand the existing conservation hatchery to increase your capabilities to study hatchery fish. One of the hurdles to creating a Delta smelt resiliency plan and recovery plan has been the limited studies designed to enhance our understanding of how the actions proposed under these plans will benefit the smelt. Without this information, any actions to restore the smelt are highly uncertain. An expanded conservation hatchery could be an invaluable tool that not only preserves the species and its genetic diversity, but also advances scientific understanding so future management actions are effective at protecting and promoting the species.

Thank you once again for all that you are doing. I look forward to learning about your plans for implementing the smelt distribution study and conservation hatchery provisions of the WIIN Act.

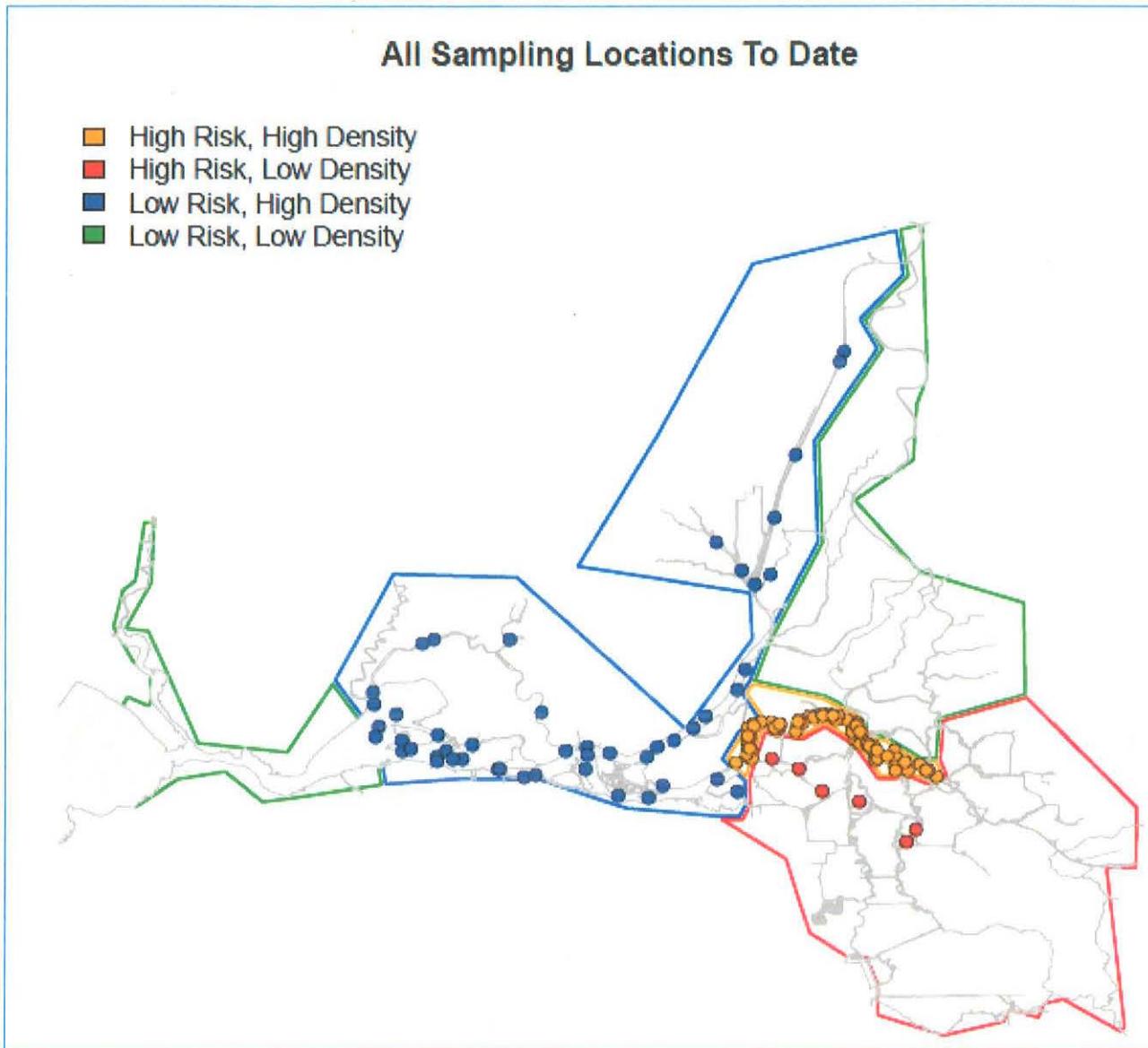
Sincerely,



Dianne Feinstein
United States Senator

DF:jw

The Fish and Wildlife Service's new Enhanced Delta Smelt Monitoring Program ("Enhanced Monitoring")



Enhanced Delta Smelt Monitoring, January 27, 2017. Map illustrating all monitoring locations.

From: Durbin, Justin
To: "gregory_sheehan@fws.gov"
Subject: MacArthur/LoBiondo Squid Letter
Date: Wednesday, December 13, 2017 1:14:06 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[MacArthur-Squid Trade FDA USFWS Permits.docx](#)

Greg,

I wanted to follow up about the attached letter regarding USFWS Permits on squid Rep. LoBiondo and my boss sent you guys. Last I'd heard you guys were working on a draft but I don't believe we've seen anything back yet? Wanted to make sure I didn't miss it.

Thanks,

Justin T. Durbin | Legislative Assistant

506 Cannon House Office Building
Washington, D.C. 20515
Office: 202-225-4765 | Fax: 202-225-0778



Dear Secretary Zinke:

We are writing to request that you review and revoke the Department of Interior/U.S. Fish & Wildlife Service Regulations Regarding Trade of Certain Shellfish and Fishery Products (*See* 73 FR 74615, 12/9/08). This request is being made pursuant to the requirements of Executive Order 13771 – “Reducing Regulation and Controlling Regulator Costs” and associated implementing order “Enforcing the Regulatory Reform Agenda” signed on February 24th, and that your Department conduct a full review of regulations administered by the U.S. Fish & Wildlife Service (USFWS) to restrict U.S. trade of certain shellfish and fishery products.

We believe this review is warranted in order to eliminate the significant negative impacts of the overregulation of certain harmless edible fishery products by the USFWS. In our opinion, the USFWS has placed an unnecessary regulatory burden on numerous small U.S. businesses for no justifiable environmental or other benefit. This review of import and export requirements and inspection fees (at 50 CFR 14) falls entirely within the bounds of the Administration’s recent orders to protect and promote U.S. business interests.

Our constituents are working commercial fishermen and shore-based seafood processors who harvest, process, export and import edible squid, sea urchins and sea cucumbers. These small U.S. businesses provide jobs and investment in our coastal communities, help to reduce our overall seafood trade deficit, and provide sustainable seafood products for consumers.

These specific USFWS regulations have resulted in excessive license and inspection fees, increases costs to companies for staff to handle the paperwork, limitations on what sea ports can be used to handle these harmless products, shipping delays, and even fees paid to cover overtime for federal employees to travel to inspection sites – all for no justifiable benefit. Furthermore, we understand there is interest among some U.S. companies to export fresh squid products but they are unable to develop these opportunities due to the overly burdensome USFWS regulations.

Prior to the Final Rule of December 2008, all of these edible seafood products were exempt from the USFWS requirements and inspection fees. During the 2008 rulemaking process, the USFWS received comments from the commercial fishing industry, and National Marine Fisheries Service (NMFS) who opposed the USFWS’ definition of “shellfish” as inconsistent with that of NMFS and the United Nations Food and Agriculture Organization. NMFS requested unsuccessfully that the USFWS revise its definition to be consistent with that of NMFS which could have provided some potential relief to industry in terms of an exemption. The industry comments focused on the financial burden sure to come from the proposed revisions, as well as the completely unnecessary nature of the regulations.

Also in 2008, Congressman Henry Brown (R-SC), at that time the Ranking Member on the House Natural Resources Committee, Subcommittee on Fisheries, Wildlife and Oceans, submitted comments to the USFWS calling into question the lack of justification for the agency to engage in seafood inspection by revising the import/export licenses at 50 CFR 14.

It was not until 2012-13 that the Obama Administration began to aggressively enforce these regulations. We understand the USFWS Office of Law Enforcement has fined companies and threatened others, and created a fear of retribution in these segments of the U.S. seafood industry. We certainly do not believe this is how the federal government should treat our working men and women.

Finally, in October 2014 the House Natural Resources Chairman Doc Hastings (R-WA) raised these same issues in a letter to Interior Secretary Sally Jewel and received a rather canned response on December 22, 2014, essentially indicating the USFWS was comfortable with their interpretation and enforcement of the 2008 Final Rule.

Clearly, the USFWS has been given ample opportunity to provide adequate cost/benefit justification and reconsider its policy position on the import and export requirements and inspection fees as they relate to squid, sea urchins and sea cucumbers but has shown little interest in doing so and even less interest in the negative impacts on our U.S. businesses

For these reasons, we believe the USFWS import/export rules at 73 FR 74615 should be reviewed in the context of the Trump Administration's Executive Orders and rescinded to allow the trade of squid, sea urchins and sea cucumbers by defining and exempting these products as approved shellfish and fishery products. We and our respective staff stand ready to work with the Department's Regulatory Reform Officer, its Regulatory Reform Task Force, and the U.S. Fish and Wildlife Service as part of this process.

Thank you for your consideration of our request.

Respectfully submitted,

From: [Benjamin, Darren](#)
To: [Benjamin Tuggle](#)
Subject: Re: [EXTERNAL] FW: LCCs
Date: Wednesday, June 6, 2018 11:08:12 AM

It's helpful.

On Jun 6, 2018, at 11:25 AM, Benjamin Tuggle <benjamin_tuffle@fws.gov> wrote:

Hey Darren, we should talk. The article is not exactly accurate but worthy of discussion.

BNT

Sent from my iPhone

On Jun 6, 2018, at 9:54 AM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

INTERIOR

Agency targets conservation co-ops to avoid climate rules

[Adam Aton](#), E&E News reporter

Published: Wednesday, June 6, 2018

The Interior Department wants to eliminate a science-based conservation program that dates back to the George W. Bush administration, after being prodded by conservative opponents of climate policy.

The department is asking Congress to end [landscape conservation cooperatives](#). They aim to boost scientific and government collaboration on conservation strategies, like how to best manage wildfires. Appropriators have continued to fund the \$13 million program, but people involved with it say the Trump administration's posture has slowed work on long-term projects.

"It makes it very difficult to carry on," said Lynn Scarlett, who serves on the program's central council after holding a top job in Interior during the Bush administration.

Landscape conservation cooperatives, or LCCs, do not have regulatory power. The program helped produce research that was used by Interior to

sidestep listing the greater sage grouse as an endangered species. That designation could have blocked drilling and mining in huge swaths of the West.

Some conservatives worry about the program's ties to climate science.

The Obama administration in 2009 expanded LCCs across the country (and into some parts of Canada and Mexico) as part of a secretarial order aiming to bolster climate change research and policy planning at the Interior Department. The 22 cooperatives work in conjunction with federal climate science centers.

Critics fear that long-range climate scenarios could be used to designate large stretches of land as critical habitat. Such an action might involve massive new protected areas, along with the wildlife corridors necessary for species to migrate to the new areas.

"They don't want to talk about that yet," said Myron Ebell of the Competitive Enterprise Institute, adding that the Endangered Species Act offers climate proponents a powerful tool. He says LCCs could be critical for incorporating future conditions into how the department uses that law.

Officials familiar with LCCs say that's not how the program operates. Most of the work focuses on immediate conservation demands, they say, because that's what its members need.

The Interior Department did not respond to a request for comment. It said in its budget request that it wants to cut LCCs so the department can focus on "higher priority" programs.

Ebell also questioned whether LCCs follow federal laws on advisory committees, and he said local and county officials are underrepresented in the program.

Some observers suggested that cutting LCCs could actually lead to stricter restrictions on species. As climate change intensifies ecological pressures, it's going to take more research and more interagency collaboration to find alternatives to listing species as endangered, said Dan Ashe, the former director of the Fish and Wildlife Service.

Others have pointed out that the LCCs — which follow ecological rather than political boundaries and rely on federal-state partnerships — actually echo the departmental redesign that Interior Secretary Ryan Zinke has been pushing.

"Critics may be insufficiently schooled in what these things are actually doing," Scarlett said, pointing to the program's bipartisan roots in the Bush administration.

Betsy Bina
House Interior Appropriations Subcommittee
B-308 Rayburn House Office Building
Washington, D.C. 20002

202-225-3081

From: [Benjamin, Darren](#)
To: ["Chris Nolin"](#)
Cc: [Wendi Weber](#)
Subject: RE: [EXTERNAL] Help: Delaware URGENT
Date: Friday, July 13, 2018 7:14:18 AM

God Bless America. Thanks for the help.

From: Chris Nolin [mailto:chris_nolin@fws.gov]
Sent: Friday, July 13, 2018 8:09 AM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Cc: Wendi Weber <Wendi_Weber@fws.gov>
Subject: Re: [EXTERNAL] Help: Delaware URGENT

SEC. 6. ø16 U.S.C. 666; There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act and regulations made pursuant thereto, including the construction of such facilities, buildings, and other improvements necessary for economical administration of areas made available to the Secretary of the Interior under this Act, and the employment in the city of Washington and elsewhere of such persons and means as the Secretary of the Interior may deem necessary for such purposes.

Sent from my iPad

On Jul 13, 2018, at 8:00 AM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

And if I recall, Partners and ESA authorization of appropriations have both expired.
What about the Coordination Act?

From: Chris Nolin [mailto:chris_nolin@fws.gov]
Sent: Friday, July 13, 2018 7:53 AM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Cc: Wendi Weber <Wendi_Weber@fws.gov>
Subject: Re: [EXTERNAL] Help: Delaware URGENT

Ok, in addition to what is in the Delaware River language, we have the additional authorizations:

The Partners for Fish and Wildlife Act provides broad authorization for habitat work on private lands (not federal or state lands).

The Endangered Species Act provides authorization for any conservation action for at-risk species.

The Fish and Wildlife Coordination Act provides broad authority for species and habitat protection:

the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of said sections;

Sent from my iPad

On Jul 13, 2018, at 6:12 AM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

The Parls aren't buying it.

On Jul 12, 2018, at 10:18 PM, Chris Nolin <chris_nolin@fws.gov> wrote:

Hi Darren,

The text of the bill presumes appropriations. For example it contains language that prohibits FWS from using funds appropriated under the act for acquiring federal interests in land. While that is not specifically a dollar amount authorization, it presumes that there will be appropriations, and thus should be interpreted as an authorization.

hope that helps.

Sent from my iPad

On Jul 12, 2018, at 8:46 PM, Wendi Weber <wendi_weber@fws.gov> wrote:

I am attaching our link to our DRBCA website that has the actual Bill and other supporting information. Also of note in addition to #86, #87 also Lance amendment. Thanks

Here is the
URL: <https://www.fws.gov/northeast/delawareriver/>

Begin forwarded
message:

From:

"Benjamin,
Darren"

<Darren.Benjamin@mail.house.gov>

Date:

July 12,
2018 at
7:18:39
PM EDT

To:

"Wendi_Weber@fws.gov"
<Wendi_Weber@fws.gov>,
""Eustis,
Christine""
<christine_eustis@fws.gov>

Subject:

[EXTERNAL]

Help:

Delaware

Wendi/Christine,

The
Delaware
River
Basin
Conservation
Act
doesn't
actually
authorize
appropriations.
When
similar
questions
are
raised
about

other
FWS
programs,
FWS
usually
argues
it has
broad
authorities
under
the Fish
and
Wildlife
Act of
1956,
the Fish
and
Wildlife
Coordination
Act,
and
others.
There's
a
question
of
whether
or not
the #86
Lance
amendment
is in
order
because
appropriations
aren't
specifically
authorized.
What's
your
counter-
argument?
I need
something
by

10:00
tomorrow
—
sorry!

Thanks,
D.

*Darren
Benjamin
House
Appropriations
Interior
Subcommittee
2007
Rayburn
(formerly
B-308)
202-
226-
3569
(direct)
202-
225-
3081
(main)
202-
591-
6954
(mobile)*

From: [Petersen, Scott](#)
To: [Paul Souza](#)
Cc: [Snow, Meghan](#)
Subject: RE: [EXTERNAL] Interior Appropriations Amendment re: GMO Crops on National Wildlife Refuges
Date: Wednesday, July 18, 2018 12:28:03 PM

Thank you.

J. Scott Petersen, P.E.

Deputy Chief of Staff
Rep. Jim Costa (CA-16)

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Wednesday, July 18, 2018 1:27 PM
To: Petersen, Scott <Scott.Petersen@mail.house.gov>
Cc: Snow, Meghan <meghan_snow@fws.gov>
Subject: Re: [EXTERNAL] Interior Appropriations Amendment re: GMO Crops on National Wildlife Refuges

Thanks Scott, let me see what I can find out.

Best,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno>

On Jul 18, 2018, at 10:19 AM, Petersen, Scott <Scott.Petersen@mail.house.gov> wrote:

Good morning Paul,

Rep. Abraham from Louisiana is offering the following amendment to the Interior Appropriations legislation that is being debated today, and my boss is interested in your and FWS CA perspective on this issue, recognizing that you cannot take a position on the amendment. The Congressman is interested in the CA implications of this, however.

LIMITATION ON USE OF FUNDS TO RESTRICT CERTAIN USE OF GENETICALLY MODIFIED CROPS IN NATIONAL WILDLIFE REFUGES
SEC. II. None of the funds made available by this Act may be used to enforce any prohibition or limitation of any kind in a cooperative agreement referred to in section

29.2 of title 50, Code of Federal Regulations, on the planting of genetically modified crops in a national wildlife refuge.

BIO (the pro-biotech trade association) has provided the following talking points to Congressional offices regarding this amendment:

- Before the one-size-fits-all nationwide ban was implemented in 2014, individual refuge managers were allowed to utilize biotech plants, when appropriate, as a targeted tool to aide refuge management and habitat restoration plans.
- There are many conservation reasons to allow refuge managers access to biotech plant varieties. Biotech crops can help curb the spread of unwanted weed or non-native invasive pests, and can facilitate the use of less toxic herbicides to control weeds and invasive plant species. Non-till row crops can greatly reduce soil erosion, deter water pollution, and maintain invaluable topsoil. Some refuge managers have used unharvested row crops, such as corn and soy, as food for migratory waterfowl and forage for other wildlife.
- There is no scientific justification to ban biotech seeds and plant varieties on National Wildlife Refuge land. Federal regulators have ensured all varieties approved for cultivation are safe for human, animal, and environmental health, and there is 30+ years of safe use in growing and consuming biotech varieties.
- **Refuge managers should have access to biotech seeds and plant varieties as another tool in the toolbox, when appropriate, to assist with conservation efforts.**

Thank you for any input that you and your team can provide.

Best, Scott

J. Scott Petersen, P.E.

Deputy Chief of Staff
Rep. Jim Costa (CA-16)
2081 Rayburn House Office Building
Washington, DC 20515
(202) 225-3341

From: Leggiero, Brandon
To: Paul Souza
Subject: RE: [EXTERNAL] RE: 10-15 Minutes?
Date: Friday, June 15, 2018 9:16:23 AM

(b) (6)

Brandon

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Friday, June 15, 2018 10:15 AM
To: Leggiero, Brandon
Subject: Re: [EXTERNAL] RE: 10-15 Minutes?

Brandon,

No need to prepare for anything . . . Just want to give you a heads up about an issue related to endangered species recovery.

What's the best number to call you at 3:30 pm EST?

Thanks,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno>

On Jun 14, 2018, at 8:21 AM, Leggiero, Brandon <Brandon.Leggiero@mail.house.gov> wrote:

3:30pm EST works well. Just so I am as prepared as possible what would you like to discuss during the call?

Brandon

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Thursday, June 14, 2018 10:31 AM
To: Leggiero, Brandon
Subject: Re: [EXTERNAL] RE: 10-15 Minutes?

Thanks Brandon . . . Today has turned out to be a challenge for me. How about tomorrow, say 3:30 pm?

Best,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno>

On Jun 13, 2018, at 11:38 AM, Leggiero, Brandon <Brandon.Leggiero@mail.house.gov> wrote:

Hi Paul,

I would be happy to talk this week. Does tomorrow work around 11:00am!?

Brandon

From: Souza, Paul [mailto:paul_souza@fws.gov]
Sent: Tuesday, June 12, 2018 7:27 PM
To: Leggiero, Brandon
Subject: 10-15 Minutes?

Brandon,

Any chance you can spare 10 minutes or so sometime later this week? What times work?

Much appreciated . . .

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno/>

From: Leggiero, Brandon
To: Paul Souza
Subject: RE: [EXTERNAL] RE: 10-15 Minutes?
Date: Friday, June 15, 2018 12:21:49 PM

Hi Paul,

Would it be possible to schedule this call for Monday? I had something come up and won't be around at 3:30pm?

Brandon

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Friday, June 15, 2018 10:15 AM
To: Leggiero, Brandon
Subject: Re: [EXTERNAL] RE: 10-15 Minutes?

Brandon,

No need to prepare for anything . . . Just want to give you a heads up about an issue related to endangered species recovery.

What's the best number to call you at 3:30 pm EST?

Thanks,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno>

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3:30pm EST works well. Just so I am as prepared as possible what would you like to discuss during the call?

Brandon

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Thursday, June 14, 2018 10:31 AM
To: Leggiero, Brandon
Subject: Re: [EXTERNAL] RE: 10-15 Minutes?

Thanks Brandon . . . Today has turned out to be a challenge for me. How about tomorrow, say 3:30 pm?

Best,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno>

On Jun 13, 2018, at 11:38 AM, Leggiero, Brandon <Brandon.Leggiero@mail.house.gov> wrote:

Hi Paul,

I would be happy to talk this week. Does tomorrow work around 11:00am!?

Brandon

From: Souza, Paul [mailto:paul_souza@fws.gov]
Sent: Tuesday, June 12, 2018 7:27 PM
To: Leggiero, Brandon
Subject: 10-15 Minutes?

Brandon,

Any chance you can spare 10 minutes or so sometime later this week? What times work?

Much appreciated . . .

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno/>

From: [Greenacre, Darci \(Collins\)](#)
To: ["Eustis, Christine"](#)
Cc: [O'Brien, Cameron \(Collins\)](#); [McMurry, Kayla \(Collins\)](#); [Wendi Weber](#); [Lisa Jones](#); [Angela Gustavson](#); [Kyla Hastie](#); [King, Kathleen](#)
Subject: RE: [EXTERNAL] RE: Schedule Meeting with Wendi Weber, Northeast Regional Director, U.S. Fish and Wildlife Service
Date: Wednesday, September 5, 2018 5:43:41 PM

Thank you!

From: Eustis, Christine [mailto:christine_eustis@fws.gov]
Sent: Wednesday, September 05, 2018 12:01 PM
To: Greenacre, Darci (Collins) <Darci_Greenacre@collins.senate.gov>
Cc: O'Brien, Cameron (Collins) <Cameron_O'Brien@collins.senate.gov>; McMurry, Kayla (Collins) <Kayla_McMurry@collins.senate.gov>; Wendi Weber <Wendi_Weber@fws.gov>; Lisa Jones <lisa_m_jones@fws.gov>; Angela Gustavson <Angela_Gustavson@fws.gov>; Kyla Hastie <Kyla_Hastie@fws.gov>; King, Kathleen <kathleen_king@fws.gov>
Subject: Re: [EXTERNAL] RE: Schedule Meeting with Wendi Weber, Northeast Regional Director, U.S. Fish and Wildlife Service

Yes, 10am would work for Wendi. She will be accompanied by Lisa Jones from our National Congressional Affairs office.

I'm copying both Wendi and Lisa, as well as Kathy, Wendi's executive assistant, on your request.

Please confirm and we will adjust her schedule.

Thank you
Christine

On Wed, Sep 5, 2018 at 11:46 AM Greenacre, Darci (Collins) <Darci_Greenacre@collins.senate.gov> wrote:

Christine,

With apologies, I need to change the time of this meeting. Would Wendi be available at 10:00AM?

Best,
Darci

From: Eustis, Christine [mailto:christine_eustis@fws.gov]
Sent: Thursday, August 30, 2018 11:49 AM
To: Greenacre, Darci (Collins) <Darci_Greenacre@collins.senate.gov>
Cc: O'Brien, Cameron (Collins) <Cameron_O'Brien@collins.senate.gov>; McMurry, Kayla (Collins) <Kayla_McMurry@collins.senate.gov>
Subject: Re: [EXTERNAL] RE: Schedule Meeting with Wendi Weber, Northeast Regional Director, U.S. Fish and Wildlife Service

Thanks Darci.
Yes, 9:15 a.m. will work for Wendi.

I appreciate your help in finding at time for Wendi and the Senator to connect. I am still trying to determine if I can join Wendi and will send you a final confirmation with the name of whoever accompanies Wendi before next week.
Regards,
Christine

On Thu, Aug 30, 2018 at 10:38 AM Greenacre, Darci (Collins) <Darci_Greenacre@collins.senate.gov> wrote:

Christine,

Senator Collins typically flies back to Maine Thursday afternoons so I'm unable to offer an afternoon meeting with Senator Collins. The senator may be able to drop by a meeting at 9:15AM on Thursday, if that works on your end.

Best,
Darci

From: Eustis, Christine [mailto:christine_eustis@fws.gov]
Sent: Wednesday, August 29, 2018 3:28 PM
To: Greenacre, Darci (Collins) <Darci_Greenacre@collins.senate.gov>
Cc: O'Brien, Cameron (Collins) <Cameron_O'Brien@collins.senate.gov>; McMurry, Kayla (Collins) <Kayla_McMurry@collins.senate.gov>
Subject: Re: [EXTERNAL] RE: Schedule Meeting with Wendi Weber, Northeast Regional Director, U.S. Fish and Wildlife Service

Thank you Darci.
Wendi has a meeting on the House side at 11:30am and will be on the Senate side for most of the afternoon.
Would it be possible for Cam, Kayla and the Senator to schedule something in the afternoon instead?
Her Senate meeting right now is at 2:30pm so she'd be available anytime after 12:30pm for a meeting.
Let me know if that would work.

Regards,
Christine

On Tue, Aug 28, 2018 at 6:33 PM Greenacre, Darci (Collins) <Darci_Greenacre@collins.senate.gov> wrote:

Christine,

Cam O'Brien and Kayla McMurray, copied here, would be pleased to meet on the Senator's behalf on Thursday, September 6 at 10:45AM, and we would do our best to have the Senator drop by a portion of the meeting as well. Please let me know if this time would work for Wendi. The Senator's office is located in Dirksen Senate Office Building, room 413.

Best,
Darci

Darci Greenacre
Director of Scheduling
Office of Senator Susan Collins
202.224.2523

From: Eustis, Christine [mailto:christine_eustis@fws.gov]
Sent: Tuesday, August 28, 2018 2:21 PM
To: Greenacre, Darci (Collins) <Darci_Greenacre@collins.senate.gov>; Kurtz, Olivia (Collins) <Olivia_Kurtz@collins.senate.gov>; O'Brien, Cameron (Collins) <Cameron_O'Brien@collins.senate.gov>
Subject: Schedule Meeting with Wendi Weber, Northeast Regional Director, U.S. Fish and Wildlife Service

Hi Darci, Olivia and Cam:
On Thursday, September 6, the U.S. Fish and Wildlife Service's Northeast regional director, Wendi Weber will be on Capitol Hill and has asked me to schedule a meeting with the Senator.

She would like to visit with the Senator (they last met several years ago) to update her on her regional priorities - including an initiative to work with states and the private sector to conserve "at risk" wildlife to preclude the need to list under the Endangered Species Act.

Wendi is currently available from 9am-3pm on Sept. 6. Please let me know if the Senator has time for a meeting.

Regards,
Christine

--
Christine Eustis, Congressional Liaison
External Affairs, Northeast Region
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035
office: 413) 253-8321
christine_eustis@fws.gov

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Christine Eustis
External Affairs, Northeast Region
U.S. Fish and Wildlife Service
300 Westgate Center Drive

Hadley, MA 01035
office: 413) 253-8321
christine_eustis@fws.gov

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Christine Eustis
External Affairs, Northeast Region
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035
office: 413) 253-8321
christine_eustis@fws.gov

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Christine Eustis
External Affairs, Northeast Region
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035
office: 413) 253-8321
christine_eustis@fws.gov

From: [Benjamin, Darren](#)
To: [Frazer, Gary](#)
Cc: [Chris Nolin](#)
Subject: Re: Candidate Conservation
Date: Wednesday, February 14, 2018 7:12:07 PM

Thanks. More coming.

On Feb 14, 2018, at 2:34 PM, Frazer, Gary <gary_frazer@fws.gov> wrote:

I have no concerns. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Wed, Feb 14, 2018 at 1:08 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

Do you have concerns with this report language?

The Service is expected to focus Candidate Conservation funding on the annual Candidate Notice of Review as required by the Endangered Species Act, and on developing agreements that provide regulatory certainty to landowners. The Service should look to its other programs and its partners to fund and implement conservation activities on the ground.

Darren Benjamin

House Appropriations

[Interior Subcommittee](#)

2007 Rayburn (formerly B-308)

202-226-3569 (direct)

202-225-3081 (main)

202-591-6954 (mobile)

From: [Lombardi, Kyle](#)
To: ["Paul Souza"](#)
Subject: RE: Delta Smelt Incidental Take Limit for Water Year 2018
Date: Monday, January 8, 2018 3:46:11 PM

Hi Paul –

Sorry for the delay in responding. Do you have any time tomorrow chat?

Kyle

Kyle Lombardi
Rep. Kevin McCarthy
202-225-2915

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Thursday, January 04, 2018 6:34 PM
To: Lombardi, Kyle
Subject: Re: Delta Smelt Incidental Take Limit for Water Year 2018

Sure Kyle . . . Any chance you are free at 1:00 pm tomorrow EST?

Thanks,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno>

On Jan 4, 2018, at 3:16 PM, Lombardi, Kyle <Kyle.Lombardi@mail.house.gov> wrote:

Hi Paul – Can we chat about this tomorrow? If so, what is a good time for me to call you? Thanks. Kyle

Kyle Lombardi
Rep. Kevin McCarthy
202-225-2915

From: Snow, Meghan [mailto:meghan_snow@fws.gov]
Sent: Thursday, January 04, 2018 5:57 PM
To: Lombardi, Kyle
Cc: Alyssa Hausman
Subject: FYI: Delta Smelt Incidental Take Limit for Water Year 2018

Hello Kyle,

Today, the U.S. Fish and Wildlife Service provided the Bureau of Reclamation with the initial incidental take limit (ITL) for Delta smelt for the 2018 water year based on the 2015 amendment of the incidental take statement for the Service's 2008 Biological Opinion (2008 BiOp) for the Coordinated Long-term Operation of the Central Valley Project and State Water Project. This attached memo sent by the Service to Reclamation provides greater detail on the determination, but in short:

- Based on the results of the Fall Midwater Trawl catch of two Delta smelt, **the level of incidental take of Delta smelt calculated for this year is 16.**
- This is an initial threshold that will be reviewed throughout the water year and adjusted should Enhanced Delta Smelt Monitoring show the presence of more fish.
- Reasons for the record-low catch is currently unknown, but could be the result of the hot, dry summer and fall, or the high flows from the last water year which may have dispersed smelt significantly, or a combination of the two.
- To date, no Delta smelt have been recorded in the Old and Middle Rivers this fall and winter, and risk of entrainment is currently very low. As storm events occur this year and turbidity increases, the Enhanced Delta Smelt Monitoring program will likely catch more fish and provide clearer information about the species' population size and distribution.
- The Service and Reclamation have reinitiated consultation on the 2008 BiOp, and agency teams are coordinating on environmental reviews, including a new BiOp that will incorporate new scientific information that has been developed since the 2008 BiOp.
- The Service plans to revise the BiOp with a new approach for determining incidental take that relies upon the best available science now provided by substantially more years of DFW index data and EDSM. This approach may or may not be ready for use in the 2018 Water Year.

If you have any questions on the determination or the methodology used to calculate the ITL, please feel free to call or email me (contact information below) or Paul Souza, Regional Director, (916) 208-2457.

Meghan Snow

Congressional Affairs Specialist

Pacific Southwest Region (Region 8), U.S. Fish and Wildlife Service

Regional Office - Sacramento, CA

Office: (916) 978-4445

Cell: (916) 539-7494

Email: meghan_snow@fws.gov

Website: <https://www.fws.gov/cno/>

<Adult Delta Smelt for the 2018 Water Year (1).pdf>

From: [Benjamin, Darren](#)
To: ["Frazer, Gary"](#)
Subject: RE: ESA report language
Date: Wednesday, February 28, 2018 3:44:32 PM

Thanks, Gary. Appreciate the honest feedback. All the delistings lately help, but I need FWS to eliminate the backlogs if I'm going to have any success calming Members down. I can't do it if FWS personnel are choosing to spend the money on ESA stuff that others are capable of doing with a little help—especially if FWS is still being accused of not cooperating. Without backlogs, I can grow recovery implementation but I'd prefer to do it mostly through sec 6. I don't interpret ESA recovery planning and implementation to default to FWS if states and partners don't step up. Trying to take some of the pressure off.

I'm going to sleep on your comments and try to dial it down with fresh eyes tomorrow. Very much appreciate the back and forth.

D.

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Wednesday, February 28, 2018 9:30 AM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Cc: Chris Nolin <chris_nolin@fws.gov>
Subject: Re: ESA report language

Darren -- Sorry I didn't get back to you yesterday -- I wanted to sleep on this before responding.

Have no problem with the direction you've given for us to prioritize recovery planning, 5 year reviews, and delisting/downlisting rules. Also have no problem with language encouraging open, transparent, collaborative ESA processes. But I'm concerned with the subtext here that there are States and other partners that are just waiting for the opportunity to take on recovery work and that the Service is somehow discouraging or not encouraging such partnerships. I have no doubt that is what people are telling you, but it does not align with what we are experiencing in the field.

We're going to keep pushing for more partnerships with States and NGO's, and we don't need more and stronger report language to make us do so, but the idea that there's an abundance of willing partners just waiting to be asked is not borne out by our experience in the field, at least to date. They either want to be paid to take on those responsibilities (especially NGOs) or they lack the existing resources and work priorities to do so (especially State fish and wildlife agencies). There are always exceptions, and we work hard to find those opportunities and build on them, but exhorting us to do more faster won't make it so. I'm worried that your language, particularly the sentence about states and NGOs indicating a strong willingness to shoulder more of the load, will create another ESA "truth" that does not have a strong foundation in fact. (Similar to the assertion that we are not seeking out and considering State date in our decisions.) Once the "truth" is reflected in your report, it is very difficult to dial back.

In the bigger picture, I don't think it's helpful to signal that the Service's role in recovery should be solely focused on the administrative procedures required by the Act. That's part of our role, and now among our highest priorities, but I think that recovery of species requires a lot more than that, and the community of partners implementing recovery will shrink, rather than expand, if we step away further.

Long way of saying that I would prefer that this be dialed back.

Regarding the stats you quote, 10 of the 49 species that have 5 year review recommendations to delist or downlist have subsequent new information that we need to evaluate to confirm that recommendation still stands. So it would be more accurate to say that we have a backlog of 39 species for which a delisting or downlisting rule is warranted, 12 of which have already been proposed. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Tue, Feb 27, 2018 at 2:43 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

I'd be grateful for your feedback on this draft. Is it fair? Reasonable? Helpful?

Thanks,
D.

Endangered Species Act.—The Committees support and reiterate the guidance and directives beginning on page 12 of House Report 115-238, aimed at improving and increasing collaboration with States and other partners in all stages of ESA implementation. Such collaboration ensures lasting conservation success and upholds the integrity of the ESA, which is premised upon the Federal Government working with the States and other partners to recover species and remove Federal protections.

As the Service indicated in its fiscal year 2017 budget request, “Given the growing number of listed species— limited resources force the Recovery Program to make difficult tradeoffs among these activities including 5-year reviews, developing recovery plans, implementing recovery actions, delisting and downlisting, all of which are necessary to achieve recovery.” Such tradeoffs have led to backlogs of 837 species (53 percent) without a current 5-year review, and 49 species awaiting downlisting or delisting, and have contributed to a common sentiment that, once a species is put on the list, it doesn’t come off. Such sentiment has made for reluctant State and local partners, adding further strain to the Service’s budget and making recovery more difficult. Though the Service is to be commended for having made progress on these backlogs in recent years, it cannot eliminate these backlogs without additional help.

Flexibilities already inherent in the ESA allow the Service to lean on its partners for expertise and on-the-ground conservation, and the Service to its credit already does a considerable amount of that in some regions. But the Committees also recognize that States and non-governmental partners have indicated a strong willingness to shoulder more of the load when the Federal Government is a willing and equal partner. The aim of this fiscal year 2018 appropriation is twofold: 1) to foster a more open, transparent, and collaborative ESA process; and 2) to begin to shift the load by incentivizing increased involvement by States and other partners in such activities as species status assessments, and recovery planning and implementation, so that the Service can focus on the ESA responsibilities that are inherently Federal.

From: [Barrett, Walker](#)
To: [Snow, Meghan](#)
Cc: [Paul Souza](#); [Jody Holzworth](#)
Subject: RE: Follow-up: Oceano Dunes NOI
Date: Tuesday, January 16, 2018 8:20:46 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Meghan- thank you for this information. Much appreciated.

Walker Barrett | Legislative Director
U.S. Representative Jeff Denham (CA-10)
1730 Longworth HOB, Washington, DC 20515
202-225-4540 | walker.barrett@mail.house.gov

CONNECT WITH JEFF!



This email and any related communications, documents, notes, draft legislation, recommendations, reports, or other materials generated or received by the Members or staff of the U.S. House of Representatives Committee on Transportation and Infrastructure are congressional records and remain subject to the Committee's control, and are entrusted to your agency only for use in handling this matter. Any such documents created or compiled by an agency in connection with any response to this Committee document or any related Committee communications, whether made by phone, email, or document, including any replies to the Committee, are also records of the Committee and remain subject to the Committee's control. Accordingly, the aforementioned documents are not "agency records" for purposes of the Freedom of Information Act or any other law, and should be segregated from agency records.

From: Snow, Meghan [mailto:meghan_snow@fws.gov]
Sent: Thursday, January 11, 2018 8:52 PM
To: Barrett, Walker <Walker.Barrett@mail.house.gov>
Cc: Paul Souza <paul_souza@fws.gov>; Jody Holzworth <jody_holzworth@fws.gov>
Subject: Follow-up: Oceano Dunes NOI

Hello Walker,

Late last summer, you and Paul Souza, Regional Director of USFWS, exchanged emails regarding a concerned citizen's request for an analysis of dust control measures on threatened and endangered species in a Habitat Conservation Plan for Oceano Dunes. Paul mentioned that the Notice of Intent (NOI) to prepare an environmental analysis for this proposed Habitat

Conservation Plan (HCP) would clearly state that we welcome information related to the dust issue.

As a follow-up to that email, I wanted to let you know that the [NOI published in the Federal Register today, January 11](#). If you scroll down to the "Proposed Action" section and then further down to item #5: "Other HCP Covered Activities," dust control activities are listed there.

This kicks-off a 60-day comment period where the Service and California State Parks invite public input on the proposal. The Service and State Parks will also host an informational open house at Ramona Garden Park at N 10th St. in Grover Beach on February 7, 2018 from 6:00 p.m. to 8:00 p.m. The open house will provide an opportunity to meet with Service and State Parks personnel, learn about the HCP and NEPA processes, and provide input.

The Service will accept written comments from January 11 to March 12, 2018 to identify potential issues and concerns, potential impacts, and possible alternatives to be considered to determine whether an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is appropriate for our environmental analysis, as required under the National Environmental Policy Act (NEPA), based on the complexity of issues identified during and following the public scoping period.

More information can be found in this [press release](#) and in this [FAQ](#).

If you have any questions, please don't hesitate to reach out.

All the best,
Meghan

Meghan Snow
Congressional Affairs Specialist
Pacific Southwest Region (Region 8), U.S. Fish and Wildlife Service
Regional Office - Sacramento, CA
Office: (916) 978-4445
Cell: (916) 539-7494
Email: meghan_snow@fws.gov
Website: <https://www.fws.gov/cno/>

From: [Lombardi, Kyle](#)
To: ["Souza, Paul"](#)
Subject: RE: FW: Proposed Water Management Change in Delta for Fall X2 in October
Date: Wednesday, October 4, 2017 1:38:07 PM

Hi Paul – Just a FYI. I chatted with Susie Snedden and she's just thrilled that FWS is moving on the acquisition boundary issue. She said the FWS staff at the Bakersfield meeting were friendly, accommodating and receptive to ideas. She's tough to impress, so this is high praise. The Sneddens are reviewing the options laid out by your team and will circle back with the Service once they've figured out what approach they like. Thanks again for all the work on this. Kyle

Kyle Lombardi
Rep. Kevin McCarthy
202-225-2915

From: Souza, Paul [mailto:paul_souza@fws.gov]
Sent: Friday, September 29, 2017 6:22 PM
To: Lombardi, Kyle
Subject: Re: FW: Proposed Water Management Change in Delta for Fall X2 in October

Thanks for the note, Kyle . . . Means a lot to me.

We continue to work hard to find common ground and strike the balance. It's never as easy as we wished. We'll keep at it.

On a different note, I'm told the discussion with the Sneddens on Wednesday in Bakersfield went well. I understand the group discussed a couple of different options, and that the Sneddens will share their preference in a couple of weeks. We'll then make it happen.

Please let me know if you hear anything else.

I'll be in DC on Monday and Tuesday, October 16-17. Let me know if you'd like me to swing by to discuss anything.

Enjoy your weekend . . .

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno/>

On Fri, Sep 29, 2017 at 9:10 AM, Lombardi, Kyle <Kyle.Lombardi@mail.house.gov> wrote:
Hi Paul – I know you take a lot of incoming from all sides on these thorny California water issues, which can be thankless. So, I just wanted to say thank you for taking this action. This will help our communities now and in the future if, God forbid, we have a dry winter. Kyle

Kyle Lombardi
Rep. Kevin McCarthy
202-225-2915

From: Snow, Meghan [mailto:meghan_snow@fws.gov]
Sent: Thursday, September 28, 2017 1:20 PM
To: Lombardi, Kyle
Subject: Proposed Water Management Change in Delta for Fall X2 in October

Hello Kyle,

You may have seen some news over the past two days regarding a proposed change in water management in the Bay Delta for Fall X2 in October. The Service evaluated the science and the impacts of this proposed change on the Delta, and yesterday, issued a decision to Reclamation allowing the one-month change in water management. Below is a synopsis of that decision, and I have attached the memo should you want additional detail. Please let me know if you have any questions.

- After reviewing a request from the Bureau of Reclamation, the U.S. Fish and Wildlife Service made the decision to allow a one-month change in water management guidelines for the San Francisco Bay Delta.
- The Service's 2008 Biological Opinion includes a provision in the fall called "X2," which is an indicator of salinity levels in the San Francisco Bay estuary. In very wet years like this one, the Biological Opinion states that X2 should be targeted 74 kilometers inland from the Pacific Ocean in September and October. In above average water years, the Biological Opinion states that X2 should be targeted at 81 kilometers inland. The Biological Opinion includes an adaptive management provision that allows the Service to make changes to these requirements based upon science and up-to-date information.
- Given the hot and dry conditions since late spring and the repair needs at Oroville Dam, this year, Reclamation proposed targeting X2 at the 74-kilometer mark for September and at the 81-kilometer mark for October, instead of positioning X2 at the 74-kilometer mark for both months. This is essentially a mix of the parameters for "wet" and "above average" precipitation years.
- Based on scientific evaluations of the impact to fisheries and wildlife in the near- and longer-term, and considering the unique weather and reservoir conditions, the Service recommended to Reclamation that it target X2 at 80 rather than 81 kilometers for October. In doing so, we believe there will be better conditions for fisheries and the potential to fill San Luis Reservoir—a critical source of water for wildlife refuges and migratory birds, as well as for farmers and communities south of the Bay Delta. We believe this modification will help strike a balance between this year's water needs of wildlife, agriculture and municipalities.
- Reclamation is considering our recommendation and is expected to make a decision soon.

- This decision-making process required collaboration between state and Federal agencies, and transparency with water agencies and other stakeholder groups.

All the best,

Meghan

Meghan Snow

Congressional Affairs Specialist

Pacific Southwest Region (Region 8), U.S. Fish and Wildlife Service

Regional Office - Sacramento, CA

Office: (916) 978-4445

Cell: (916) 539-7494

Email: meghan_snow@fws.gov

Website: <https://www.fws.gov/cno/>

From: [Benjamin, Darren](#)
To: ["Thompson, Edith"](#); [Culp, Rita](#); [Hunn, Jocelyn](#); [Chris Tomassi](#); [Hunt, Ryan \(Appropriations\)](#)
Cc: [Chris Nolin](#); [Gary Frazer@fws.gov](#)
Subject: RE: FYI: Status Review Indicates Canada Lynx Recovery in the Lower 48-States
Date: Wednesday, January 10, 2018 3:53:01 PM

Congrats and kudos on the process, the messaging, and the message!

From: Thompson, Edith [mailto:edith_thompson@fws.gov]
Sent: Wednesday, January 10, 2018 4:16 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>; Culp, Rita <Rita.Culp@mail.house.gov>;
Hunn, Jocelyn <Jocelyn.Hunn@mail.house.gov>; Chris Tomassi <Chris_Tomassi@appro.senate.gov>;
Hunt, Ryan (Appropriations) <ryan_hunt@appro.senate.gov>
Cc: Chris Nolin <chris_nolin@fws.gov>
Subject: Fwd: FYI: Status Review Indicates Canada Lynx Recovery in the Lower 48-States

Dear Congressional Colleague:

Tomorrow, the U.S. Fish and Wildlife Service (Service) will announce the completion of the five-year review of the Canada lynx in the contiguous United States , which is currently listed as threatened under the Endangered Species Act (ESA) . The review concludes that the Canada lynx may no longer warrant protection under the

ESA and should be considered for delisting due to recovery.

Since the lynx received ESA protection in 2000 , conservation efforts by State, Tribal, and other Federal agencies; conservation organizations; and private landowners have secured protection of lynx habitats and reduced a number of other potential stressors.

The recommendation that the Canada lynx be considered for delisting due to recovery is the result of an extensive review of the best available scientific information and almost 20 years of working in partnership with state, federal, tribal, industry and other land managers on the conservation of the

Canada lynx. As a result of this status review, the Service will begin development of a proposed rule to delist the species.

Please see the below news release for more information, and do let us know if you have questions.

Status Review Indicates Canada Lynx Recovery in the Lower 48-States
Conservation partnerships have helped protect this elusive cat across its range in the lower 48

DENVER -The U.S. Fish and Wildlife Service (Service) is announcing the completion of a scientific review of the Canada lynx in the contiguous United States. The review concludes that the Canada lynx may no longer warrant protection under the Endangered Species Act (ESA) and should be considered for delisting due to recovery. This recommendation is the result of an extensive review of the best available scientific information and almost 20 years of working in partnership with state, federal, tribal, industry and other land managers on the conservation of this species. As a result of this status review, the Service will begin development of a proposed rule to delist the species.

The recommendation was informed by a recently completed, peer-reviewed Species Status Assessment for the lynx, which compiled and evaluated the best available scientific information on the historical, current and possible future conditions for the Canada lynx. Over a two-year process, the Service worked closely with federal, state and academic subject matter experts to evaluate relevant scientific information on snowshoe hare population dynamics, climate change, forest ecology and other issues. Although climate change remains an important factor for the conservation of the Canada lynx, neither the Service nor the experts we consulted conclude that the lynx is at risk of extinction from climate change within the foreseeable future.

The Canada lynx was listed as threatened in 2000 largely due to a lack of regulatory mechanisms on federal public lands, which is where a majority of the habitat for Canada lynx was believed to be located in the lower 48 states. Since receiving ESA protection, federal land managers throughout the lynx's range have formally amended their management plans and implemented conservation measures to conserve the species. For example, all U.S. Forest Service land management plans in the Rocky Mountain region have been amended to include conservation measures for the Canada lynx. In addition, in Maine, private landowners have voluntarily supported working woodland easements that protect nearly 2.5 million acres of forest, benefiting the Canada lynx and other species.

A cousin of the more common bobcat, the Canada lynx is similar in size but can be distinguished by its black-tipped tail, long tufts of black hair at the tips of its ears, and long legs with large, furry paws for hunting snowshoe hares in deep snow. In the contiguous U.S., Canada lynx populations are found in Maine, northeastern Minnesota, northwestern Montana, northeastern Idaho, north-central Washington and western Colorado.

Providing the Canada lynx protection under the ESA also prompted an increase in scientific understanding of lynx biology. Research, monitoring and conservation efforts conducted by state and federal agencies, tribes and academic institutions, helped refine biologists' understanding of habitat needs, distributions, population characteristics and potential stressors.

Given the outcome of this analysis, the Service will not at this time be completing a recovery plan for the Canada lynx. Today's recommendation does not remove or negate the Endangered Species Act protections currently in place for the Canada lynx. To delist a species, the Service must follow a process similar to what is used in considering whether to list species. The next step is for the Service to publish a proposed rule in the Federal Register, receive public comments, review and analyze those comments, conduct a peer review, and then announce a final decision.

For more information on the Canada lynx, visit <https://www.fws.gov/mountain-prairie/es/canadaLynx.php>.

Edith R. Thompson
Chief of Presentation Branch
Division of Budget
U.S. Fish and Wildlife Service
Direct:(703) 358-2267
Cell: (571) 733-8339

From: [Benjamin, Darren](#)
To: [Gary Frazer](#)
Subject: Re: GRSG 12 month finding
Date: Tuesday, June 20, 2017 8:20:38 AM

Excellent. Thanks.

On Jun 20, 2017, at 9:14 AM, Gary Frazer <gary_frazer@fws.gov> wrote:

Darren -- As I thought -- no litigation yet filed, and no notices of intent received, challenging our negative 12 month finding. -- GDF

Sent from my iPad

Begin forwarded message:

From: "Gilbert, Parks" <parks_gilbert@fws.gov>
Date: June 20, 2017 at 8:18:48 AM EDT
To: "Frazer, Gary" <gary_frazer@fws.gov>
Cc: Carey Galst <Carey_Galst@fws.gov>, Bridget Fahey <Bridget_Fahey@fws.gov>
Subject: Re: GRSG 12 month finding

Gary, I also do not think that any group has challenged the 2015 NW finding, and I could not find an NOI in our files on the 2015 finding. I will note that we are in litigation on the bi-state (CA/NV) population of greater sage grouse, but that is a different entity.

Parks Gilbert
ESA Litigation Specialist
Branch of Listing Policy and Support, Ecological Services
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS:ES
Falls Church, VA 22041
703/358-1758
parks_gilbert@fws.gov

On Mon, Jun 19, 2017 at 6:02 PM, Frazer, Gary <gary_frazer@fws.gov> wrote:

Parks -- Has any environmental group filed suit or sent us a 60 day notice of intent to sue challenging our negative 12 month finding for greater sage-grouse? I don't think so, but need confirmation. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

From: [Babington, Sean \(Agriculture\)](#)
To: [Paul Souza](#)
Cc: wanda_cantrell@fws.gov
Subject: RE: Introduction
Date: Monday, November 20, 2017 11:35:16 AM

Sounds good, thanks.

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Saturday, November 18, 2017 11:32 AM
To: Babington, Sean (Agriculture) <Sean_Babington@ag.senate.gov>
Cc: wanda_cantrell@fws.gov
Subject: Re: Introduction

Thanks Sean . . . Please call me at 3:00 pm EST on Tuesday at 916-208-2457.

Best,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
<https://www.fws.gov/cno>

On Nov 16, 2017, at 8:51 AM, William Stelle <^{(b) (6)} [██████████](#)> wrote:

Sean: Yes, tomorrow still works, and my number is ^{(b) (6)} [██████████](#). I'll await your call and look forward to visiting.

Will

On Thu, Nov 16, 2017 at 7:15 AM, Babington, Sean (Agriculture) <Sean_Babington@ag.senate.gov> wrote:

Yep, let's plan to chat at 3:00pm EST next Tuesday, Paul. What's the best number to reach you at that time?

Will – can we still talk at 11/2 tomorrow? I have a Monday meeting on this topic so it would be great to have background conversation in advance of that. If tomorrow still works Will can you send me the best number for you at that time?

Thanks to you both!

Sean

From: Souza, Paul [mailto:paul_souza@fws.gov]

Sent: Wednesday, November 15, 2017 7:00 PM
To: Babington, Sean (Agriculture) <Sean_Babington@ag.senate.gov>
Cc: William Stelle [b] (6) >; Daniel Ashe <DAshe@aza.org>
Subject: Re: Introduction

Sean,

Unfortunately I have a commitment all day Friday that I can't break. My Tuesday next week (11/21) is wide open after 1:00 pm EST. Any chance that would work?

Thanks,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
[2800 Cottage Way, Suite W-2606](http://2800cottageway.fws.gov)
Sacramento, CA 95825
[916-414-6469](tel:916-414-6469)
[916-208-2457](tel:916-208-2457) Cell
<https://www.fws.gov/cno/>

On Wed, Nov 15, 2017 at 9:36 AM, Babington, Sean (Agriculture) <Sean_Babington@ag.senate.gov> wrote:

Dan – thanks so much for the kind introduction.

Paul and Will – thank you both for your prompt responses and interest. I think a joint call is a perfect place to start if you're both amenable.

How are do your schedules look this Friday, 11/17? Might 2pm my time (which I believe is 11am for both of you, correct), work? If so, I'll send around a call in number. If not, perhaps later that afternoon?

Thanks!

Sean

From: Paul Souza [mailto:paul_souza@fws.gov]
Sent: Wednesday, November 15, 2017 1:34 AM
To: William Stelle [b] (6) >
Cc: Daniel Ashe <DAshe@aza.org>; Babington, Sean (Agriculture) <Sean_Babington@ag.senate.gov>
Subject: Re: Introduction

Great to hear from you Dan and Will.

Life is good in California. I think someone's looking after me because of the rain last season. May it continue.

Sean, I'm happy to talk anytime. Drop me a note for a time that works. I agree with Will and we'd be happy to have a joint call with you if you'd like.

Best of luck and always happy to help . . .

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
[2800 Cottage Way, Suite W-2606](http://2800cottage.com)
Sacramento, CA 95825
[916-414-6469](tel:916-414-6469)
[916-208-2457](tel:916-208-2457) Cell
<https://www.fws.gov/cno>

On Nov 14, 2017, at 6:33 PM, William Stelle <(b) (6)> wrote:

Dan: Great to hear from you. I hope you are well and thriving in your new role, and that you are getting a little down time from the director role. . . . I'll get in touch with you separately to check in and compare notes.

Paul, I hope you too are well and growing roots in the region, which I trust is indeed the case.

Sean, we at NMFS with FWS have been deeply engaged with EPA and Ag on pesticides/FIFRA/ESA intersections over the last decade, and I personally spent a considerable amount of time during my tenure in the Obama administration on the topic. I'd be happy to discuss whatever you'd like, either with Paul or individually. Just let me/us know your preferences.

Sincerely,

Will Stelle

On Tue, Nov 14, 2017 at 5:34 PM, Daniel Ashe <DAshe@aza.org> wrote:

Hello Paul and Will. I'd like to introduce you to Sean Babington. Sean works on the minority staff of the Senate Agriculture Committee. He previously worked for Senator Bennett (CO) and we worked together on many easy issues, like wolves, and lesser prairie chicken, and greater sage grouse, and

He is interested in getting some perspective on ESA and agricultural pesticides, and I suggested that you two could help him. He is anticipating that this may be an issue in the upcoming farm bill, and is trying to get ahead of that curve.

Sean, Paul and Will are two of the sharpest intellects and problem solvers I've ever known. As we discussed, Paul is currently USFWS Regional Director, in Sacramento. Will is the former NMFS Regional Director, in Seattle. Both have extensive experience in the interface between ESA and pesticides regulation.

Best all!

Dan.

Dan Ashe
President and CEO
Association of Zoos and Aquariums

On Nov 14, 2017, at 6:00 PM, Babington, Sean (Agriculture) <Sean_Babington@ag.senate.gov> wrote:

Sean Babington
Senior Professional Staff
U.S. Senator Debbie Stabenow, Ranking Member
Senate Committee on Agriculture, Nutrition & Forestry
[202-224-2035](tel:202-224-2035) | sean_babington@ag.senate.gov

--
William Stelle

(b) (6)



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William Stelle

(b) (6)



From: [Hunn, Jocelyn](#)
To: ["Frazer, Gary"](#)
Subject: RE: Is this accurate?
Date: Monday, March 19, 2018 6:48:04 PM

Thanks, that is helpful and I really appreciate your assistance this evening.

Best,
Jocelyn Buck Hunn
U.S. House of Representatives
Committee on Appropriations Democrats
1016 Longworth
202-225-3481

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Monday, March 19, 2018 6:08 PM
To: Hunn, Jocelyn <Jocelyn.Hunn@mail.house.gov>
Subject: Re: Is this accurate?

Will will have to start a new rulemaking process to delist the WGL population. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Mon, Mar 19, 2018 at 6:04 PM, Hunn, Jocelyn <Jocelyn.Hunn@mail.house.gov> wrote:

Thank you, I appreciate the edits. Just to clarify, the court has agreed with you in regards to Wyoming, but in the case of Great Lakes has set aside the delisting. Without this language directing you to reinstate delisting, what is the Service's approach to addressing the court's concerns for this population?

Jocelyn Buck Hunn
U.S. House of Representatives
Committee on Appropriations Democrats
1016 Longworth
202-225-3481

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Monday, March 19, 2018 5:52 PM
To: Hunn, Jocelyn <Jocelyn.Hunn@mail.house.gov>
Subject: Re: Is this accurate?

Not quite. See attached edits. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Mon, Mar 19, 2018 at 5:26 PM, Hunn, Jocelyn <Jocelyn.Hunn@mail.house.gov> wrote:

Gary,

Can you please let me know if this is accurate. I have been asked for something short and succinct. Thanks.

The Northern Rocky Mountain wolves were delisted in two phases. The first phase involved wolves in Montana and Idaho and is not in question. The second phase covered wolves in Wyoming and is at issue. The decision to delist Wyoming wolves has been litigated and the D.C. Court of Appeals ruled to remove ESA protections. Environmentalists do not agree with this decision and want the ability to continue to litigate. The proposed language would reinstate the delisting and prevent any further judicial review.

In regards to the Western Great Lakes gray wolves, the language would override a unanimous D.C. Circuit Court of Appeals decision issued on August 1, 2017 and remove federal protections for wolves in Michigan, Minnesota and Wisconsin. The proposed language would reinstate the delisting and prevent any further judicial review.

No other gray wolf distinct populations besides the Northern Rocky Mountains (Montana/Idaho) have been delisted.

I appreciate your help.

Thanks,

Jocelyn Buck Hunn

U.S. House of Representatives

Committee on Appropriations Democrats

1016 Longworth

202-225-3481

From: [Benjamin, Darren](#)
To: ["Frazer, Gary"](#)
Subject: RE: Northern Aplomado
Date: Thursday, March 8, 2018 12:52:44 PM

We could call them Recovery Challenge grants, modeled after the Park Service Centennial Challenge matching grants.

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 1:46 PM
To: 'Frazer, Gary' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

On second thought: Once a ratio is set, it is difficult to change. You could propose the change in the budget request but then I have to deal with the fallout. You sure you can't make 50:50 work, even with in-kind? It's all part of the message to make States and NGOs step up. If the money sits, that's on them.

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 1:43 PM
To: 'Frazer, Gary' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

Will do. Thanks.

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Thursday, March 08, 2018 1:41 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

Darren -- Up until the last sentence, we can make this work. But I would note that moving the \$5M grants program to the CESCF will result in the 90:10 or 80:20 cost share provision controlling. You use the term "matching", and your earlier email leads me to think that you intend that to mean 50:50. I think it would be problematic to apply a 50:50 match requirement this year but propose changing that to a much more favorable match in our next budget request. Suggest you drop the "matching" and stick with the existing "cost-shared". We'll obviously try to stretch these dollars as much as we can, and I expect we'll get to 50:50 or better for most. But setting match requirements now that will change quickly will be confusing and problematic.

Your last sentence would ask us to make a radical change to our Recovery program. I'd ask that you drop the "along with other recovery plan implementation activities" language and the last clause in its entirety (or at least change the last clause to read "**so that Recovery funds in the Resource Management account are prioritized to ensure accomplishment of inherently Federal functions**"). Limiting Recovery account funding to only recovery plan development and revision, 5 year reviews, and delisting/downlisting rules will have huge consequences to many ongoing recovery implementation efforts that are supported with Recovery funding,

most of which are with partners but for which the Service is a full participant (e.g., black footed ferret, alala, Puerto Rican parrots, and many others). We don't need to abandon that field entirely to accomplish your objective of making the inherently federal functions the highest priority. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Thu, Mar 8, 2018 at 12:28 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

Would appreciate quick feedback on this:

To expand partnerships through cost-shared grants, the agreement includes program increases within the Cooperative Endangered Species Conservation Fund and State and Tribal Wildlife Grants. In addition, \$5,000,000 is provided in Recovery for matching grants to enhance and increase cost-shared partnerships with agencies and organizations implementing highest priority recovery actions as prescribed in recovery plans, and in particular for genetically-sound breeding, rearing, and reintroduction programs as prescribed in recovery plans. Existing partnerships, including the northern aplomado falcon, California condor, and Steller's eider, should be funded at no less than \$2,000,000 and the remaining funds should be dedicated to new partnerships. Unless an affected State is a partner on the project, none of the funds may be awarded to a project until the project partners have consulted with and received no objection from such affected State. The Service is strongly encouraged to shift this program along with other recovery plan implementation activities to the Cooperative Endangered Species Conservation Fund in future budget requests, so that Recovery funds in the Resource Management account are dedicated to inherently Federal functions.

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 10:38 AM
To: 'Frazer, Gary' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

If we called them matching grants, could you continue status quo on aplomado, condor, and eider? Does matching mean 50-50 to you?

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Wednesday, March 07, 2018 6:01 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

Just got this from the Region. Since I know you're trying to button this up, I'm sharing with you now.

But since this is 4 years old, I've also asked the Region to confirm that this remains the views of the PFund and that they are not maintaining a captive population for reintroduction

purposes or conducting reintroductions anywhere within the species' range. Will loop back with you when I hear back from them. -- GDF

P.S. And I told them to update the recovery plan.

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Tue, Mar 6, 2018 at 6:03 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

Sharing in confidence. Happy to discuss.

From: Benjamin, Darren
Sent: Tuesday, March 06, 2018 5:59 PM
To: 'Tomassi, Chris (Appropriations)' <Chris_Tomassi@appro.senate.gov>; Hunt, Ryan (Appropriations) <Ryan_Hunt@appro.senate.gov>; Hunn, Jocelyn <Jocelyn.Hunn@mail.house.gov>
Subject: RE: FWS report

Aplomados started us down this path when Simpson was chairman (the Peregrine Fund is in Idaho). Aplomados have a current 5-year review with a recommendation that they stay listed as endangered. Captive breeding and release are the top priorities of the recovery plan. If it has run its course, then FWS needs to update the information on its public website to say so. Until then, we have to stay the course.

Here's the link:

[https://ecos.fws.gov/ecp0/reports/implementation-activity-status-report?
documentId=600028&entityId=126](https://ecos.fws.gov/ecp0/reports/implementation-activity-status-report?documentId=600028&entityId=126)

From: Benjamin, Darren
To: "Gary Frazer"
Subject: RE: Northern Aplomado
Date: Thursday, March 8, 2018 4:29:29 PM

Had an epiphany:

To expand partnerships through cost-shared grants, the agreement includes program increases within the Cooperative Endangered Species Conservation Fund and State and Tribal Wildlife Grants. In addition, \$5,000,000 is provided in Resource Management for Recovery Challenge matching grants to enhance and increase cost-shared partnerships with agencies and organizations implementing highest priority recovery actions as prescribed in recovery plans, and in particular for genetically-sound breeding, rearing, and reintroduction programs as prescribed in recovery plans. Existing Longstanding partnerships, including for the northern aplomado falcon, California condor, and Steller's eider, should be funded at no less than \$2,000,000, and partner contributions should be not less than their current ratios. and The remaining funds should be dedicated to new partnerships and should require a 50:50 match, including in-kind services. Unless an affected State is a partner on the project, none of the funds may be awarded to a project until the project partners have consulted with and received the support of such affected State. The Service is strongly encouraged to shift this program along with other transfer similar recovery plan implementation partnerships to Recovery Challenge grants activities to the Cooperative Endangered Species Conservation Fund in future budget requests, so that all other Recovery funds in the Resource Management account are dedicated to prioritize to ensure accomplishment of inherently Federal functions.

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 5:15 PM
To: 'Gary Frazer' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

Revised. Closer? Close enough?

To expand partnerships through cost-shared grants, the agreement includes program increases within the Cooperative Endangered Species Conservation Fund and State and Tribal Wildlife Grants. In addition, \$5,000,000 is provided in Resource Management for Recovery Challenge matching grants to enhance and increase cost-shared partnerships with agencies and organizations implementing highest priority recovery actions as prescribed in recovery plans, and in particular for genetically-sound breeding, rearing, and reintroduction programs as prescribed in recovery plans. Existing Longstanding partnerships, including the northern aplomado falcon, California condor, and Steller's eider, should be funded at no less than \$2,000,000, and the Service's contribution should be incrementally adjusted upward as funds become available, in order to more closely match partner contributions. and The remaining funds should be dedicated to new

partnerships and should require a 50:50 match, including in-kind services. Unless an affected State is a partner on the project, none of the funds may be awarded to a project until the project partners have consulted with and received the support of such affected State. The Service is strongly encouraged to shift this program along with other transfer similar recovery plan implementation partnerships to Recovery Challenge grants activities to the Cooperative Endangered Species Conservation Fund in future budget requests, so that all other Recovery funds in the Resource Management account are dedicated to prioritized to ensure accomplishment of inherently Federal functions.

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 4:50 PM
To: 'Gary Frazer' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

Here's a way out of the box. Any remaining concerns before I put it on the table?

To expand partnerships through cost-shared grants, the agreement includes program increases within the Cooperative Endangered Species Conservation Fund and State and Tribal Wildlife Grants. In addition, \$5,000,000 is provided in Resource Management for Recovery Challenge matching grants to enhance and increase cost shared partnerships with agencies and organizations implementing highest priority recovery actions as prescribed in recovery plans, and in particular for genetically-sound breeding, rearing, and reintroduction programs as prescribed in recovery plans. Existing Longstanding partnerships, including for the northern aplomado falcon, California condor, and Steller's eider, should be funded at no less than \$2,000,000 and the Service should increase funds as needed to match partner contributions. and The remaining funds should be dedicated to new partnerships and should require a 50:50 match, including in-kind services. Unless an affected State is a partner on the project, none of the funds may be awarded to a project until the project partners have consulted with and received no objection from such affected State. The Service is strongly encouraged to shift this program along with other transfer similar recovery plan implementation partnerships to Recovery Challenge grants activities to the Cooperative Endangered Species Conservation Fund in future budget requests, so that all other Recovery funds in the Resource Management account are dedicated to prioritized to ensure accomplishment of inherently Federal functions.

From: Gary Frazer [mailto:gary_frazer@fws.gov]
Sent: Thursday, March 08, 2018 4:11 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

I was told by the Region that the SLC has contributed virtually nothing to date, even in-kind. They are reportedly working with the AZA to get their captive prop effort recognized and get access to other funding. So it's possible, but by no means certain, that they or the State could

scrape up a 25% share. — GDF

Sent from my iPhone

On Mar 8, 2018, at 3:58 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

We're moving \$2M into CESCF traditional grants. Could the SLC project be funded through that? Or is SLC not currently contributing even the amount required for a CESCF match?

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 3:52 PM
To: 'Frazer, Gary' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

Much appreciated. Alaska is always a problem.

From: Frazer, Gary [mailto:mailto:gary_frazer@fws.gov]
Sent: Thursday, March 08, 2018 3:50 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

Darren -- Was not able to reach the right people in Region 2 re Aplomado. But they're asking for such a small amount, and it's the PFund, so I have no doubt that they'll be able to come up with the match to satisfy a 50:50 ratio.

Our R8 folks expressed confidence that 50:50 will not be an problem with our condor partners, either.

For eiders, it could be a real problem for the Alaska SeaLife Center. Our funding has pretty much paid the full bill for that captive propagation effort to date. If we have to continue to fund it, our Region would appreciate having the Congressional direction to force a cost-share. But I am advised that the SLC may not be able to come up with a significant cost-share, particularly at a 50:50 ratio. - - GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Thu, Mar 8, 2018 at 2:30 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

Standing by for confirmation on all three. Thanks.

From: Gary Frazer [mailto:mailto:gary_frazer@fws.gov]
Sent: Thursday, March 08, 2018 2:20 PM

To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

We can make Recovery Challenge grants in RM, with a 50:50 match requirement including in-kind work going forward. Thanks for that.

Can't say for sure that it will also work for all ongoing partnerships. Particularly concerned about the eider partnership with the SLC. Will check ASAP and get back with you. — GDF

Sent from my iPhone

On Mar 8, 2018, at 2:01 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

If Recovery Challenge works for you at 50:50 including in-kind, and it doesn't mess up ongoing partnerships on aplomado, condor, and eider, then I'll keep the program in Resource Management.

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Thursday, March 08, 2018 1:58 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

The Sec 6 cost share requirement are set in statute (Sec 6(d)(2)) (And I got them wrong in my last note. It's 75:25 federal:state for a single state grant and 90:10 for multi-state.) . I think we could make 50:50 in most cases, considering in-kind, but it's the imposition of match requirements that are at odd with the statute that I think will be confusing and problematic.

So that's why I suggest you stay with the "cost-shared" language and not lock in a specific ratio now that will conflict with the statutory minimum cost share ratio that will control when it moves to the CESCF. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Thu, Mar 8, 2018 at 1:46 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

On second thought: Once a ratio is set, it is difficult to change. You could propose the change in the budget request but then I have to deal with the fallout. You sure you can't make 50:50 work, even with in-kind? It's all part of the message to make States and NGOs step up. If the money sits, that's on them.

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 1:43 PM
To: 'Frazer, Gary' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

Will do. Thanks.

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Thursday, March 08, 2018 1:41 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

Darren -- Up until the last sentence, we can make this work. But I would note that moving the \$5M grants program to the CESCF will result in the 90:10 or 80:20 cost share provision controlling. You use the term "matching", and your earlier email leads me to think that you intend that to mean 50:50. I think it would be problematic to apply a 50:50 match requirement this year but propose changing that to a much more favorable match in our next budget request. Suggest you drop the "matching" and stick with the existing "cost-shared". We'll obviously try to stretch these dollars as much as we can, and I expect we'll get to 50:50 or better for most. But setting match requirements now that will change quickly will be confusing and problematic.

Your last sentence would ask us to make a radical change to our Recovery program. I'd ask that you drop the "along with other recovery plan implementation activities" language and the last clause in it's entirety (or at least change the last clause to read "[so that Recovery funds in the Resource Management account are prioritized to ensure accomplishment of inherently Federal functions](#)"). Limiting Recovery account funding to only recovery plan development and revision, 5 year reviews, and delisting/downlisting rules will have huge consequences to many ongoing recovery implementation efforts that are supported with Recovery funding, most of which are with partners but for which the Service is a full participant (e.g., black footed ferret, alala, Puerto Rican parrots, and many others). We don't need to abandon that field entirely to accomplish your objective of making the inherently federal functions the highest priority. --
GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Thu, Mar 8, 2018 at 12:28 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

Would appreciate quick feedback on this:

To expand partnerships through cost-shared grants, the agreement includes program increases within the Cooperative Endangered Species Conservation Fund and State and Tribal Wildlife Grants. In addition, \$5,000,000 is provided in Recovery for matching grants to enhance and increase cost-shared partnerships with agencies and organizations implementing highest priority recovery actions as prescribed in recovery plans, and in particular for genetically-sound breeding, rearing, and reintroduction programs as prescribed in recovery plans. Existing partnerships, including the northern aplomado falcon, California condor, and Steller's eider, should be funded at no less than \$2,000,000 and the remaining funds should be dedicated to new partnerships. Unless an affected State is a partner on the project, none of the funds may be awarded to a project until the project partners have consulted with and received no objection from such affected State. The Service is strongly encouraged to shift this program along with other recovery plan implementation activities to the Cooperative Endangered Species Conservation Fund in future budget requests, so that Recovery funds in the Resource Management account are dedicated to inherently Federal functions.

From: Benjamin, Darren
Sent: Thursday, March 08, 2018 10:38 AM
To: 'Frazer, Gary' <gary_frazer@fws.gov>
Subject: RE: Northern Aplomado

If we called them matching grants, could you continue status quo on aplomado, condor, and eider? Does matching mean 50-50 to you?

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Wednesday, March 07, 2018 6:01 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Subject: Re: Northern Aplomado

Just got this from the Region. Since I know you're trying to button this up, I'm sharing with you now.

But since this is 4 years old, I've also asked the Region to confirm that this remains the views of the PFund and that they are not maintaining a captive population for reintroduction purposes or conducting reintroductions anywhere within the species' range. Will loop back with you when I hear back from them. -- GDF

P.S. And I told them to update the recovery plan.

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Tue, Mar 6, 2018 at 6:03 PM, Benjamin, Darren
Darren.Benjamin@mail.house.gov wrote:

Sharing in confidence. Happy to discuss.

From: Benjamin, Darren
Sent: Tuesday, March 06, 2018 5:59 PM
To: 'Tomassi, Chris (Appropriations)'
Chris_Tomassi@appro.senate.gov; Hunt, Ryan
(Appropriations) Ryan_Hunt@appro.senate.gov; Hunn,
Jocelyn Jocelyn.Hunn@mail.house.gov
Subject: RE: FWS report

Aplomados started us down this path when Simpson was chairman (the Peregrine Fund is in Idaho). Aplomados have a current 5-year review with a recommendation that they stay listed as endangered. Captive breeding and release are the top priorities of the recovery plan. If it has run its course, then FWS needs to update the information on its public website to say so. Until then, we have to stay the course.

Here's the link:

<https://ecos.fws.gov/ecp0/reports/implementation-activity-status-report?documentId=600028&entityId=126>

From: [Barnard, Brian](#)
To: [Eustis, Christine](#); [Fortier, Brittany](#)
Cc: [Schatz, Daniel](#); [Wendi Weber](#); [Taylor Pool](#)
Subject: RE: Schedule visit with Regional Director Wendi Weber
Date: Wednesday, April 26, 2017 10:37:26 AM

Hey Christine,

Rep. Jenkins is attending another event that is scheduled until noon, so he likely won't be back in the office until 12:15 or so, but I would be happy to meet with Wendi and Taylor until he arrives. Apologies for the back and forth, but it's been a pretty hectic day here on the Hill.

Thanks, I look forward to it.

Best,
Brian

From: Eustis, Christine [mailto:christine_eustis@fws.gov]
Sent: Wednesday, April 26, 2017 11:20 AM
To: Fortier, Brittany <Brittany.Fortier@mail.house.gov>
Cc: Barnard, Brian <Brian.Barnard@mail.house.gov>; Schatz, Daniel <Daniel.Schatz@mail.house.gov>; Wendi Weber <Wendi_Weber@fws.gov>; Taylor Pool <taylor_pool@fws.gov>
Subject: Re: Schedule visit with Regional Director Wendi Weber

Thank you for working with us to arrange the meeting.

Regards,
Christine

On Wed, Apr 26, 2017 at 11:18 AM, Fortier, Brittany <Brittany.Fortier@mail.house.gov> wrote:

Thank you so much for being flexible with our office. Please let me know if you have any questions.

From: Eustis, Christine [mailto:christine_eustis@fws.gov]
Sent: Wednesday, April 26, 2017 11:16 AM
To: Fortier, Brittany <Brittany.Fortier@mail.house.gov>
Cc: Barnard, Brian <Brian.Barnard@mail.house.gov>; Schatz, Daniel <Daniel.Schatz@mail.house.gov>; Wendi Weber <Wendi_Weber@fws.gov>; Taylor Pool <taylor_pool@fws.gov>
Subject: Re: Schedule visit with Regional Director Wendi Weber

Hi Brittany:
Yes, noon works for Wendi. She is on her way there and will see you in 1609 Longworth at noon.
Taylor Pool from our Congressional Affairs office will join Wendi for the meeting.

Regards,
Christine

On Wed, Apr 26, 2017 at 9:11 AM, Fortier, Brittany <Brittany.Fortier@mail.house.gov> wrote:

Hi Christine,

I apologize but a major conflict has come up at the time previously mentioned. Would it be possible to change the time to 12:00pm now? Please let me know if this works for Wendi. If not, then we'd be happy to explore a possible meeting in Congressman Jenkins' district or in Washington at a later date.

Best,

Brittany Fortier

Scheduler | Congressman Evan Jenkins (WV-03)
1609 Longworth House Office Building
o. 202-225-3452

Connect with Rep. Evan Jenkins online: [Facebook](#) | [Twitter](#) | [Website](#)

Please [click here](#) to sign up for Rep. Evan Jenkins' e-newsletter.

From: Eustis, Christine [mailto:christine_eustis@fws.gov]
Sent: Wednesday, April 26, 2017 8:46 AM
To: Fortier, Brittany <Brittany.Fortier@mail.house.gov>
Cc: Barnard, Brian <Brian.Barnard@mail.house.gov>; Schatz, Daniel <Daniel.Schatz@mail.house.gov>
Subject: Re: Schedule visit with Regional Director Wendi Weber

Thanks Brittany and Daniel (I got your voicemail message).
Let me check with Wendi and get right back to you.

Regards,
Christine

On Tue, Apr 25, 2017 at 6:18 PM, Fortier, Brittany <Brittany.Fortier@mail.house.gov> wrote:

Hi Christine,

I apologize for the late reply and we hope that it is still possible to set a meeting up. We appreciate your request to meet with Congressman Jenkins on **Wednesday, April 26th**. After reviewing the Congressman's schedule, we have determined that he and Brian Barnard, the Congressman's legislative director who handles agriculture, the Interior, and related issues, will be able to meet with you from **5:00-5:15 a.m. on the requested day**. The meeting will take place in the Congressman's office, located in **Room 1609 Longworth House Office Building**.

When time permits, please respond to let us know if that time will in fact work. We look forward to meeting with you then unless you direct otherwise. If you don't mind also including a **list of attendees** and the **top three issues** as well as **any specific legislation to be discussed** it would be greatly appreciated. We want to do our best to prepare for your visit.

Best,

Brittany Fortier

Scheduler | Congressman Evan Jenkins (WV-03)
1609 Longworth House Office Building
o. 202-225-3452

Connect with Rep. Evan Jenkins online: [Facebook](#) | [Twitter](#) | [Website](#)

Please [click here](#) to sign up for Rep. Evan Jenkins' e-newsletter.

From: Eustis, Christine [mailto:christine_eustis@fws.gov]

Sent: Thursday, April 20, 2017 2:37 PM

To: Barnard, Brian <Brian.Barnard@mail.house.gov>; Fortier, Brittany <Brittany.Fortier@mail.house.gov>; Chirico, Michael <Michael.Chirico@mail.house.gov>

Subject: Schedule visit with Regional Director Wendi Weber

Hi Brittany, Brian and Michael:

Wendi Weber, Regional Director for the Northeast Region of the U.S. Fish and Wildlife Service will be in DC next Wednesday, April 26, and would like to stop by and visit with the Congressman if he has availability.

We had a visit scheduled for last year and it was cancelled at the last minute. Wendi was unable to make the Congressman's site visit to White Sulphur Springs National Fish Hatchery in October and I'm hoping they can finally meet in person.

Wendi is available between 12:30 - 5pm. If this day doesn't work, she will be back in DC later in May as well.

Thanks for your consideration,
Christine

--

Christine Eustis, Congressional Liaison
External Affairs, Northeast Region
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035
office: 413) 253-8321
christine_eustis@fws.gov

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christine_eustis@fws.gov

From: [Benjamin, Darren](#)
To: ["Frazer, Gary"](#)
Cc: [Chris Nolin](#); [Chris Tomassi](#)
Subject: RE: TA request: red wolves & Mexican gray wolves
Date: Saturday, February 24, 2018 11:13:53 AM

Thank you very much, Gary, for the quick review and reply.

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Friday, February 23, 2018 6:59 PM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Cc: Chris Nolin <chris_nolin@fws.gov>; Chris Tomassi <Chris_Tomassi@appro.senate.gov>
Subject: Re: TA request: red wolves & Mexican gray wolves

Darren -- No edits or heart-stoppers. Thanks for the coordination. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Thu, Feb 22, 2018 at 11:15 PM, Benjamin, Darren <Darren.Benjamin@mail.house.gov> wrote:

Below is an attempt to meld together House and Senate report language intent regarding red wolves and Mexican gray wolves. Unless you have edits and/or significant concerns, I will propose this report language to my counterparts by the end of this weekend.

Please take a look and let me know. Thanks. D.

As an aside, I'm told that the Service can turn to the American Fisheries Society for definitive taxonomic answers on fish and related aquatic species, but that the Service has nowhere to turn for wildlife. If so, perhaps the study below can serve as pilot solution to that problem too.

"The Service's Science program is directed to initiate a study not later than 90 days after the date of enactment of this Act, through a qualified independent entity such as the Smithsonian Institution, in order to determine whether or not animals currently classified as red wolves and Mexican gray wolves are taxonomically valid species and subspecies designations, respectively. The study shall include publication of a scientific literature review not later than one year after the date of enactment of this Act and, if the literature is inconclusive, shall include any additional necessary research and publication not later than three years after the date of enactment of this Act. In the meantime, the Service's Recovery program is reminded of its legal mandate to cooperate to the maximum extent practicable with the States on any further decisions and actions regarding animals currently classified as red wolves and Mexican gray wolves and protected under the Endangered Species Act."

From: [Tomassi, Chris \(Appropriations\)](#)
To: [Frazer, Gary](#)
Subject: RE: Traditional Knowledge
Date: Monday, September 18, 2017 5:22:21 PM

Hi Gary – My direct is 224-3506. Give me a ring tomorrow. Thanks!

Chris

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Monday, September 18, 2017 5:40 PM
To: Tomassi, Chris (Appropriations) <Chris_Tomassi@appro.senate.gov>
Subject: Fwd: Traditional Knowledge

Chris -- I'd like to discuss this with you before responding, but realize I don't have your phone number. Are you in tomorrow and, if so, what's your phone number? Thanks -- Gary

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

----- Forwarded message -----
From: Nolin, Chris <chris_nolin@fws.gov>
Date: Wed, Sep 13, 2017 at 3:35 PM
Subject: Fwd: Traditional Knowledge
To: Frazer Gary <Gary_frazer@fws.gov>

any thoughts?

thanks

----- Forwarded message -----
From: Tomassi, Chris (Appropriations) <Chris_Tomassi@appro.senate.gov>
Date: Wed, Sep 13, 2017 at 3:28 PM
Subject: Traditional Knowledge
To: "Nolin, Chris" <chris_nolin@fws.gov>

Hi Chris – Can you share your thoughts on the below piece of RL we are considering? Please let me know if you have suggestions for it.

Traditional Knowledge.—Secretarial Order #3206 guides the Service's work with tribal governments related to the Endangered Species Act (ESA). It emphasizes that use of traditional knowledge can be an important factor that can supplement and shed light on scientific evidence used to make decisions related to listing decisions and habitat management. While that is the case, the Committee is concerned that there has been a lack of incorporation of traditional knowledge in implementation of the ESA. Within 180 days of enactment, the Service is directed to update its policy related to traditional knowledge to

ensure that such knowledge is better incorporated in Service decision making. The Service should consult Alaska Natives and other Tribes as this policy is updated, particularly when it comes to species' management on native lands, so that the policy can reflect the best methods to use traditional knowledge in decision making. The Service is directed to brief the Committee prior to publishing its updated policy.

Chris Tomassi
Professional Staff
Senate Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
Chris_Tomassi@appro.senate.gov

--

Chris Nolin
Budget Officer
US Fish & Wildlife Service
703-358-2343 desk
240-305-0490 cell
U.S. Fish and Wildlife Service Headquarters
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

From: [Tomassi, Chris \(Appropriations\)](#)
To: [Frazer, Gary](#)
Subject: RE: Traditional Knowledge
Date: Tuesday, September 19, 2017 3:35:05 PM

Tried to return your call and got a voicemail. Give me a ring when you have a minute. 202-224-3506.

Thanks!
Chris

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Monday, September 18, 2017 5:40 PM
To: Tomassi, Chris (Appropriations) <Chris_Tomassi@appro.senate.gov>
Subject: Fwd: Traditional Knowledge

Chris -- I'd like to discuss this with you before responding, but realize I don't have your phone number. Are you in tomorrow and, if so, what's your phone number? Thanks -- Gary

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

----- Forwarded message -----
From: Nolin, Chris <chris_nolin@fws.gov>
Date: Wed, Sep 13, 2017 at 3:35 PM
Subject: Fwd: Traditional Knowledge
To: Frazer Gary <Gary_frazer@fws.gov>

any thoughts?

thanks

----- Forwarded message -----
From: Tomassi, Chris (Appropriations) <Chris_Tomassi@appro.senate.gov>
Date: Wed, Sep 13, 2017 at 3:28 PM
Subject: Traditional Knowledge
To: "Nolin, Chris" <chris_nolin@fws.gov>

Hi Chris – Can you share your thoughts on the below piece of RL we are considering? Please let me know if you have suggestions for it.

Traditional Knowledge.—Secretarial Order #3206 guides the Service's work with tribal governments related to the Endangered Species Act (ESA). It emphasizes that use of traditional knowledge can be an important factor that can supplement and shed light on scientific evidence used to make decisions related to listing decisions and habitat management. While that is the case, the Committee is concerned that there has been a lack of

incorporation of traditional knowledge in implementation of the ESA. Within 180 days of enactment, the Service is directed to update its policy related to traditional knowledge to ensure that such knowledge is better incorporated in Service decision making. The Service should consult Alaska Natives and other Tribes as this policy is updated, particularly when it comes to species' management on native lands, so that the policy can reflect the best methods to use traditional knowledge in decision making. The Service is directed to brief the Committee prior to publishing its updated policy.

Chris Tomassi
Professional Staff
Senate Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
Chris_Tomassi@appro.senate.gov

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Chris Nolin
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U.S. Fish and Wildlife Service Headquarters
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

From: [Benjamin, Darren](#)
To: ["Frazer, Gary"](#)
Cc: [Rachel Merkel](#); [BalisLarsen, Martha](#); [Chris Tomassi](#)
Subject: RE: URGENT: questions from Darren
Date: Wednesday, February 21, 2018 9:54:22 AM

Thanks for the thorough answer, Gary. Very much appreciated. We're trying to navigate competing House and Senate report language on red wolves, and I have similar language on Mexican gray wolves.

Proponents of strong language argue that if red wolves are mostly coyote and part dog, how can they be protected? More to the point, *what* are we actually protecting and *why*? Coyotes are doing well and are spreading. Red wolves are not. Is it better for red wolves to let them continue to hybridize and succeed, or isolate them and risk losing them altogether? And if we choose to let them continue to hybridize, why get in the way by listing and trying to manage them? Rhetorical questions, all.

Can you send me the report from the 2016 expert panel, concluding that red wolves are a listable entity?

Looping in Chris Tomassi because I think he'd like to see your answer below.

Thanks,
D.

From: Frazer, Gary [mailto:gary_frazer@fws.gov]
Sent: Wednesday, February 21, 2018 9:32 AM
To: Benjamin, Darren <Darren.Benjamin@mail.house.gov>
Cc: Rachel Merkel <rachel_merkel@fws.gov>; BalisLarsen, Martha <martha_balislarsen@fws.gov>
Subject: Re: URGENT: questions from Darren

Darren -- This responds to your question about red wolves.

The red wolf is listed under the ESA as a full species, *Canis rufus*. However, there is no consensus within the scientific community on whether this is a correct classification. Questions about the taxonomy of the red wolf were raised by the Wildlife Management Institute in their 2014 comprehensive review of the red wolf recovery program. In May 2016, the Service asked the USGS and the North Carolina State University to convene a group of the country's leading canid geneticists, as well as taxonomists and ESA legal scholars, to discuss the taxonomic classification of the red wolf, with the goal of determining whether the current genetic evidence supports the red wolf remaining a "listable entity" under the ESA. The expert group could not agree on the historical genetic lineage of the red wolf, but the majority of the group concluded that the red wolf is a listable entity under the ESA, either as a full species, a subspecies, a "modern hybrid" protected under the Act, or a distinct population segment of the gray wolf or Algonquin wolf.

My purpose in raising this is to illustrate that North American canid taxonomy is a muddle, fueled by modern genetic analysis methods, with no scientific consensus yet established.

There are competing theories, some of which would recognize the red wolf as a valid taxon and some of which wouldn't. Absent clear evidence that our listing of the red wolf as a full species is in error, it remains listed as such. But there is no consensus on what describes the genetic makeup of a red wolf. One recent paper concluded that all North American canids are either coyotes, gray wolves, or hybrids thereof.

All red wolves in captivity or in the wild are derived from 14 founders captured from the wild in the 1970's. The genetic makeup of the current population is known and is carefully managed under a Species Survival Plan by accredited AZA institutions to minimize loss of genetic diversity. But the WMI review noted that, while the FWS staff involved in the red wolf conservation program used their best judgment and the taxonomic information available at the time, it is possible that the current red wolf genome reflects some introgression of coyote genes that may have occurred prior to the founders being taken into captivity. That said, genetic studies have shown that the founder red wolves possessed a unique mitochondrial haplotype that has not been observed in other canid populations, and population genetic techniques employing nuclear DNA can distinguish the founders and their descendants from other canids.

So to summarize, and to answer your questions -- 1) we know the genetic makeup of the captive and wild population and manage it carefully under an SSP to reduce loss of genetic diversity and minimize introgression, and 2) the lack of scientific consensus around North American canid taxonomy in general, and red wolf taxonomy in particular, makes a "definitive" analysis of what constitutes a red wolf and what constitutes a hybrid impossible.

Happy to discuss further. -- Gary

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

On Tue, Feb 20, 2018 at 1:44 PM, BalisLarsen, Martha <martha_balislarsen@fws.gov> wrote:

Gary, as we discussed, do you want to answer this question from Darren re: red wolves?

Chun and I will work with Don to get a reply on CESCF.

Martha

Martha Balis-Larsen
Chief, Division of Budget & Technical Support
Ecological Services Program
U.S. Fish and Wildlife Service Headquarters
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-2171 (general)
703-358-2314 (direct)

----- Forwarded message -----

From: **Merkel, Rachel** <rachel_merkel@fws.gov>

Date: Tue, Feb 20, 2018 at 1:17 PM

Subject: Re: URGENT: questions from Darren

To: Martha BalisLarsen <martha_balislarsen@fws.gov>, "Ren, Chun-Xue" <chun-xue_ren@fws.gov>

Cc: Lydia Collins <lydia_collins@fws.gov>

Another question from Darren:

Have all ~225 red wolves in captivity and in the wild been genetically tested to determine whether any are hybrids? If not, is there any reason why such a definitive study should not be conducted?

Rachel Merkel
Chief of Budget Formulation
Division of Budget
U.S. Fish and Wildlife Service
703-358-2545

On Tue, Feb 20, 2018 at 11:32 AM, Merkel, Rachel <rachel_merkel@fws.gov> wrote:

Martha and Chun,
Lydia is out this week. Darren has a few quick questions as they're working on the 2018 appropriations bill (see below). Can you get responses back today?

Does CESCF have a statutory amount or % for administration? If I can increase CESCF, I'm wondering how to calculate reasonable increases for admin. Also, I need to be able to be accounting for fixed costs in CESCF administration. What are they for FY18 and FY19?

Does wolf-livestock money flow through the States or go directly to landowners? If the States, any reason why it couldn't be funneled through CESCF instead of Recovery? I'm trying to clean the books in Recovery. Same question for State of the Birds.

Thanks,

Rachel Merkel
Chief of Budget Formulation
Division of Budget
U.S. Fish and Wildlife Service
703-358-2545

From: DeMoss, Tripp
To: "Kodis, Martin"
Cc: Greg Sheehan; Calhoun, Larry; Barbara Wainman; matthew_huggler@fws.gov
Subject: RE: yoho contact
Date: Monday, October 23, 2017 11:43:31 AM

Thank you

Tripp DeMoss
Legislative Counsel
Congressman Ted S. Yoho, D.V.M. (FL-3)
202-225-5744
tripp.demoss@mail.house.gov

=====

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From: Kodis, Martin [mailto:martin_kodis@fws.gov]
Sent: Monday, October 23, 2017 12:37 PM
To: DeMoss, Tripp
Cc: Greg Sheehan; Calhoun, Larry; Barbara Wainman; matthew_huggler@fws.gov
Subject: Re: yoho contact

That works well Tripp. I'll call you, but feel free to call me as well.

Marty

703-358-2241 desk
(D) (6) [REDACTED] cell

On Mon, Oct 23, 2017 at 12:26 PM, DeMoss, Tripp <Tripp.DeMoss@mail.house.gov> wrote:
Hi Marty,
Could we shoot for 4PM?

Tripp DeMoss
Legislative Counsel
Congressman Ted S. Yoho, D.V.M. (FL-3)
202-225-5744
tripp.demoss@mail.house.gov

=====

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From: Kodis, Martin [mailto:martin_kodis@fws.gov]

Sent: Monday, October 23, 2017 12:24 PM
To: DeMoss, Tripp
Cc: Greg Sheehan; Calhoun, Larry; Barbara Wainman; matthew.huggler@fws.gov
Subject: Re: yoho contact

Hi Tripp,

Thanks for the information. I'll be in touch with you asap. Are you able to talk later today (after 2pm)? Happy to give you a call.

Thank you,

Marty

On Mon, Oct 23, 2017 at 9:45 AM, DeMoss, Tripp <Tripp.DeMoss@mail.house.gov> wrote:
Hi Greg,

Pleasure to make your acquaintance by email! I was hoping to obtain your feedback on a proposal the congressman is considering to change how certain captive-bred aquaculture products are treated under the Endangered Species Act.

His thought is, fish farmers are often prevented from expanding their operations due to regulation. For example, farm raised sturgeon could be used to develop a domestic commercial market for fish steaks or other fish products. The congressman is thinking about legislation directing the Secretary of Agriculture to assess the commercial farming potential for ESA listed species and species proposed for listing, and communicating that finding to the Secretaries of Interior and Commerce. During this assessment, the Secretaries of Interior and Commerce would hold in abeyance the listing of species under review by the Secretary of Agriculture.

Other reforms he is thinking about could include requiring the Secretaries of Interior and Commerce to create a captive-bred exemption for current listed species and at-risk species proposed for listing that the Secretary of Agriculture has identified as being current or candidate aquaculture species, or to create a provision that allows production, sales, possession and commercial sale of aquaculture species that qualify for a captive-bred exemption that would be regulated by the Secretary of Agriculture. In addition, he is thinking about making captive-bred/farm raised aquaculture products exempt from Lacey Act scrutiny.

If you have any thoughts on these ideas, or the general thrust of what we're trying to accomplish (e.g., removing ESA prohibitions on commercial exploitation of captive bred aquaculture products), I would be most grateful to hear them. Thank you so much for your help!

Best,
Tripp

Tripp DeMoss
Legislative Counsel
Congressman Ted S. Yoho, D.V.M. (FL-3)
202-225-5744
tripp.demoss@mail.house.gov

=====

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From: Greg Sheehan [mailto:greg_j_sheehan@fws.gov]
Sent: Sunday, October 22, 2017 10:34 AM
To: Calhoun, Larry
Cc: DeMoss, Tripp; Barbara Wainman; matthew_huggler@fws.gov; Martin Marty Kodis
Subject: Re: yoho contact

Thank you Larry. Very interested in hearing or reading any thoughts you have for the service. I have CC'd our external affairs and congressional liaison for inclusion on any any followup materials you have.

Thank you
Greg

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
202-676-7675 cell

On Oct 20, 2017, at 3:06 PM, Calhoun, Larry <Larry.Calhoun@mail.house.gov> wrote:

Hello Greg –

Congressman Yoho asked that I reach out to you regarding some items that we are working on relating to USFWS. I have cc'd our legislative counsel, Tripp DeMoss, to help bring you up to speed with some of the congressman's priorities. Additionally, please feel free to reach out to me directly if we can ever be of assistance.

Have a great weekend!

Larry Calhoun
Chief of Staff
Rep. Ted S. Yoho, DVM (FL-3)

--
Martin Kodis
Chief, Division of Congressional and Legislative Affairs
U.S. Fish and Wildlife Service

5275 Leesburg Pike
Falls Church, VA 22041

703-358-2241 ph
703-358-2245 fax

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Martin Kodis
Chief, Division of Congressional and Legislative Affairs
U.S. Fish and Wildlife Service

5275 Leesburg Pike
Falls Church, VA 22041

703-358-2241 ph
703-358-2245 fax

From: [Petersen, Scott](#)
To: [Barry Thom](#); [Paul Souza](#); [David Murillo \(dmurillo@usbr.gov\)](#); ["grant.davis@water.ca.gov"](#); ["Bonham, Chuck@Wildlife"](#); ["eileen.sobbeck@waterboards.ca.gov"](#)
Cc: [Jason Peltier](#); [Bourbon, Christy](#); [Mahan, Kathy](#); ["cheri.worthy@sldmwa.org"](#); [Friend, Janiene@DWR \(Janiene.Friend@water.ca.gov\)](#); [jan.ortiz@wildlife.ca.gov](#); ["joan.r.langhans@noaa.gov"](#); [Becky Lizama](#); ["kevin.sabo@usbr.gov"](#); [nancy.acquino@waterboards.ca.gov](#); [Meghan Snow](#); [Alene Thomas](#); [Mason, Joshua](#)
Subject: SCHEDULING REQUEST: Rep. Costa San Joaquin Valley Water Meeting - Week of January 22
Date: Thursday, January 4, 2018 5:40:50 PM
Importance: High

Good afternoon! I hope that the new year is off to a good start for everyone! Congressman Costa would like to schedule a meeting between your respective agencies and the General Managers and Board Chairmen of the water districts in the San Joaquin Valley during the week of January 22 at the offices of San Luis and Delta Mendota Water Authority, located at 842 6th Street, Los Banos, CA. Currently, the Board meeting room is available from 10:00 am – 12:00 pm on the following days:

- Tuesday, January 23
- Wednesday, January 24
- Thursday, January 25

If you could please respond with your availability to attend during any of those dates, the Congressman would greatly appreciate it.

Likely topics to be discussed include the upcoming 2017-2018 water year operations, WIIN Act implementation, biological opinion reconsultation, CVP operations EIS, State Water Board activity on unimpaired flows, and the California WaterFix.

Thanks as always for your consideration and I look forward to hearing back from you as to your availability.

Best, Scott

J. Scott Petersen, P.E.

Deputy Chief of Staff
Rep. Jim Costa (CA-16)
2081 Rayburn House Office Building
Washington, DC 20515
(202) 225-3341

From: [Lomasney, Dani](#)
To: ["gary frazer@fws.gov"](#)
Subject: Tentative: Invitation: Williamson County Commissioners Meeting with ES @ Mon Mar 20, 2017 11:30am - 12:30pm (EDT) (dani.lomasney@mail.house.gov)

From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: This Week's Update
Date: Sunday, July 2, 2017 9:08:49 AM



Friends,

I hope you had a great weekend! As we join with family and friends this week to celebrate the birth of our great nation, it is important to remember our veterans and those currently serving. Thanks to these individuals, we are able to enjoy the freedoms we have today. Keep scrolling for a quick update from the Senate, and share with a friend!

Improving the Lives of West Virginians

This week I announced that I could not support the current draft of the Senate health care bill, also known as the [Better Care Reconciliation Act](#), which was released on June 22. For years, I have listened to the concerns many in West Virginia have about the future of the health care system, and I have been the leading voice in the Senate to ensure that any replacement to Obamacare improves the lives of West Virginians. The draft Senate health care bill is not the right fix for West Virginia, and it was important for West Virginians to know that I cannot support this bill in its current form. As this debate continues, I will continue to seek the best solution for West Virginia.

Saving West Virginia Jobs

This week, EPA Administrator Scott Pruitt announced the agency's decision to roll back the flawed Waters of the United States or WOTUS rule. This is the right move and one that will protect many jobs in West Virginia and throughout the country. This harmful rule would place unfair burdens on our farmers, small businesses and energy producers. Not only would it lead to skyrocketing energy prices, but it would hinder job growth in West Virginia. Learn more about the rollback [here](#).

Grant Updates

This week, I announced four grants that will benefit many West Virginians and programs throughout the state. The grants total more than \$3 million and will support research programs, infrastructure improvement projects, medical services and local fire departments.

As a member of the Senate Appropriations Committee, I am always advocating for West Virginia's priorities. Click through the links below to learn more about the individual grants announced this week:

- **\$894,348** – Funding will support research programs at [WV State University](#)
- **\$799,071** – Funding will support [local airport improvements](#)
- **\$1,291,231** – Funding will support [Black Lung Coal Miner Clinics Program](#)
- **\$663,347** – Funding will support [local fire departments](#) in five counties

Social Media Update

Are you following me on [Facebook](#), [Twitter](#) and [Instagram](#)? Sign up now for daily updates from my office.

Social media highlights:



Want to view more photos? Click [here](#).

Sincerely,



Shelley Moore Capito
United States Senator



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From: Senator Shelley Moore Capito
To: wendi_weber@fws.gov
Subject: Working for West Virginia
Date: Sunday, July 23, 2017 9:05:10 AM



Friends,

As the Senate continues the health care discussion, I remain committed to making sure we find a health care solution that works for West Virginians. Keep scrolling for updates from the Senate, and don't forget to share this newsletter with a friend.

Health Care Update

Many West Virginians have been hurt by Obamacare. This failed law has led to rising premiums, fewer choices and less access, and it's clear that the status quo is unsustainable. At the same time, many West Virginians have benefited from our state's decision to expand Medicaid. I want to be clear that I am committed to repealing Obamacare and replacing it with a health care system that provides access to affordable care to West Virginians. That has always been my goal, and I am not giving up on it. After meeting with President Trump this week, he assured me we are on the same page when it comes to repealing and replacing Obamacare.

West Virginians need and deserve a replacement that addresses the concerns I have outlined throughout this entire process. Click [here](#) or the image below for more details.



Advocating for West Virginia Priorities

On Thursday, I helped pass two bills out of the Appropriations Committee that include funding to encourage rural development, support energy research and fight the opioid epidemic. I was proud to support passage of both of these important measures, which include a number of significant priorities for our state. The Agriculture Appropriations bill will help keep our most vulnerable children healthy by providing funds for food safety, and school meal and nutrition programs. It will also help close the digital divide across our state by encouraging rural broadband deployment. The second piece of legislation we considered was the Energy and Water Development bill, which will help support fossil energy research, benefitting research facilities like the National Energy Technology Lab in Morgantown. It also provides funding for the U.S. Army Corps of Engineers for sites like the Bluestone Dam in Hinton. Click [here](#) to find out more about how West Virginia will benefit from these funding bills.

Social Media Recap

Are you following me on [Facebook](#), [Twitter](#) and [Instagram](#)? Sign up now for daily updates from my office.

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Sincerely,



Shelley Moore Capito
United States Senator



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From: [Hiring Our Heroes](#)
To: leopoldo_miranda@fws.gov
Subject: [EXTERNAL] A Call to Lead: Atlanta's Military Community
Date: Tuesday, October 2, 2018 1:40:45 PM

Hiring Our Heroes



You're invited to join Hiring Our Heroes for the upcoming half-day [Atlanta community engagement event](#), ***A Call to Lead: Creating Lasting Impact for Atlanta's Military Community.***

Engage in discussions focused on public-private partnerships and community engagement around military family support—especially from the employment and career support angles.

Topics include

- Atlanta community resources for veterans and military families
- Best practices for businesses to retain military talent
- The evolution from military-friendly to military-ready
- Effective engagement with the military community

Register Today

Thursday, October 11, 2018 | 10:00 AM - 2:00 PM

Georgia State University
55 Gilmer St SE SCW 460/462, Atlanta, GA 30303

Event Sponsor



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1615 H Street

Washington, DC | 20062 US

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From: [Peter Goettler](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] A surprising endorsement for the Cato Institute
Date: Thursday, December 27, 2018 1:16:19 PM

With the year drawing to a close, I've thought a lot about something that happened in February. Donald B. Verrilli, Jr., the solicitor general under President Obama and someone with whom we typically disagree, joined a panel at the Cato Institute and said this:

“I definitely preferred it when Cato was on my side as solicitor general, but whether Cato was on my side or not, the Cato Institute’s advocacy before the Supreme Court was always a superb level of quality and always contributed in a very meaningful way to the Court’s consideration of the cases before it.”

Now, I wasn't expecting any compliments from a guy we were on the other side of in 59 out of 64 cases (including a challenge to Obamacare). But we take great pride in Mr. Verrilli's acknowledgement of Cato's impact, and even greater pride in what his statement says about the Institute's ability to engage people of differing political persuasions. That is where real influence comes from, and that is how Cato helps shape the climate of ideas.

As 2018 comes to an end, please consider making a tax-deductible gift to the Cato Institute so that we can continue to defend the principles of individual liberty and limited government. [Click here](#) to make your contribution online or call my colleague Josh Ferencik: 202-216-1465.

If your gift has crossed paths with this email, thank you very much. We are so grateful to have supporters who make our work possible. Best wishes to you and yours for the holiday season.

Best regards,
Peter

Peter N. Goettler
President and CEO
Cato Institute
1000 Massachusetts Ave. NW
Washington, DC 20001

This email was sent to paul_souza@fws.gov
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Cato Institute · 1000 Massachusetts Ave NW · Washington, D.C. 20001 · USA

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Available Now: The 2018 Fiscal Policy Report Card on America's Governors
Date: Wednesday, October 10, 2018 6:38:59 PM

[View this email in your browser](#)





The Cato Institute has just released its biennial [Fiscal Policy Report Card on America's Governors](#). The report card looks at data since 2016 for each state and awards an objective grade based on spending variables, a revenue variable, and tax rate variables. Governors who have cut taxes and spending the most receive the highest grades, while those who have increased taxes and spending the most receive the lowest grades.

This year, report editor Chris Edwards also discusses how the federal Tax Cuts and Jobs Act of 2017 is affecting state fiscal environments. He also examines revenues from marijuana legalization and recent Supreme Court decisions on online sales taxes and public-sector labor unions.

Edwards notes, “The 2017 federal tax act has ushered in a new era of state tax competition. Governors need to lead efforts to deliver better services at lower costs, else risk losing residents to other states. Policymakers in every state should adopt the fiscal approaches of this year’s top-scoring governors.”

[See Where Your Governor Stands](#)

About the Editor

Chris Edwards is the director of tax policy studies at Cato and editor of DownsizingGovernment.org. Edwards is an established and sought after tax and budgetary expert having testified in front of Congress on fiscal issues many times and published in *The Washington Post*, *Wall Street Journal*, and other major newspapers.



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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Cato University returns to San Diego this summer!
Date: Tuesday, April 24, 2018 3:36:45 PM

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As one of the Cato Institute's premier educational events, Cato University is a one-of-a-kind idea-based experience where participants from around the world freely share viewpoints, concerns, questions, and more, in an atmosphere of friendship and respect.

Cato University: College of History and Philosophy • August 2-4, 2018 • San Diego

History is indispensable to understanding and defending liberty under our constitutionally limited, representative government. And at the core of that history are the philosophical beliefs and values on which the American republic

was founded. Cato University's College of History and Philosophy brings these two powerful subjects together to explore the foundations of liberty and justice, of wealth and poverty, of individual rights and the rule of law.



Registration and information on the College of History and Philosophy program is available at Cato.org/Cato-University.

THE PRICE—the cost is \$695, which includes all scheduled events, meals, and program materials, but not overnight room charges. However, we have arranged a special room rate for all Cato University participants at the Rancho Bernardo Inn. For more information on the hotel, please visit [Rancho Bernardo Inn](#).



Additional 2018 Cato University program:

- **Cato University: College of Economics** · October 25-27, 2018 · Boston, MA

Special package pricing is available. If you are interested in attending more than one Cato University session within the year, please contact events@cato.org.

If you have any questions about the 2018 program, please email **Brandi Dunn**. For registration information, please call 202-789-5229.

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paul_souza@fws.gov *why did I get this email?*

From: [Tyner, Jake](#)
To: ["todd.wynn@ios.doi.gov"](#); ["Melissa Beaumont@fws.gov"](#)
Subject: [EXTERNAL] Chamber Letter of Support for A. Skipwith Nomination
Date: Thursday, November 15, 2018 10:52:06 AM
Attachments: [111818-Chamber Letter of Support-Skipwith Nomination.pdf](#)

Melissa, & Todd,

I wanted to pass along to you the attached letter from the Chamber to Chairman Barrasso and Ranking Member Carper, as well as the rest of the Senate EPW committee, in support of Aurelia Skipwith's nomination to be Director of the Fish & Wildlife Service. Please let me know if you have any questions.

Additionally, if you have time to chat on outreach sometime next week, I'd love to set up a call with you Todd. Please let me know if that is something you would be interested in.

Thanks!

Jake Tyner
Manager & Associate Policy Counsel
U.S. Chamber of Commerce | Global Energy Institute
W: 202-463-5344 | M: 202-853-2765
JTyner@USChamber.com | [LinkedIn](#)

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 15, 2018

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce supports the nomination of Aurelia Skipwith to be Director of the Fish and Wildlife Service (FWS) at the U.S. Department of the Interior (DOI). Ms. Skipwith is highly qualified to serve in this role and we look forward to the Senate Environment and Public Works Committee advancing her nomination to the full Senate for confirmation.

Ms. Skipwith has a distinguished career as a public servant and is an expert on fish, wildlife, and natural habitat policy and regulation. Ms. Skipwith currently serves as DOI's Deputy Assistant Secretary for Fish, Wildlife, and Parks, and has worked closely with stakeholders to provide appropriate guidance for implementing sound federal policy regarding the management and conservation of public lands and wildlife. She has also worked for the U.S. Department of Agriculture and U.S. Agency for International Development.

In addition, Ms. Skipwith's experience in the private and non-profit sectors has provided her with the knowledge and expertise to implement federal policy objectives. For example, prior to her time at DOI, she founded an agricultural value chain platform that united small farmers and multinational buyers with the tools needed to meet the growing demand for food.

Ms. Skipwith's confirmation would provide FWS with the key leadership and experience needed at DOI to manage important federal policies. As such, we urge you to swiftly act on Ms. Skipwith's nomination.

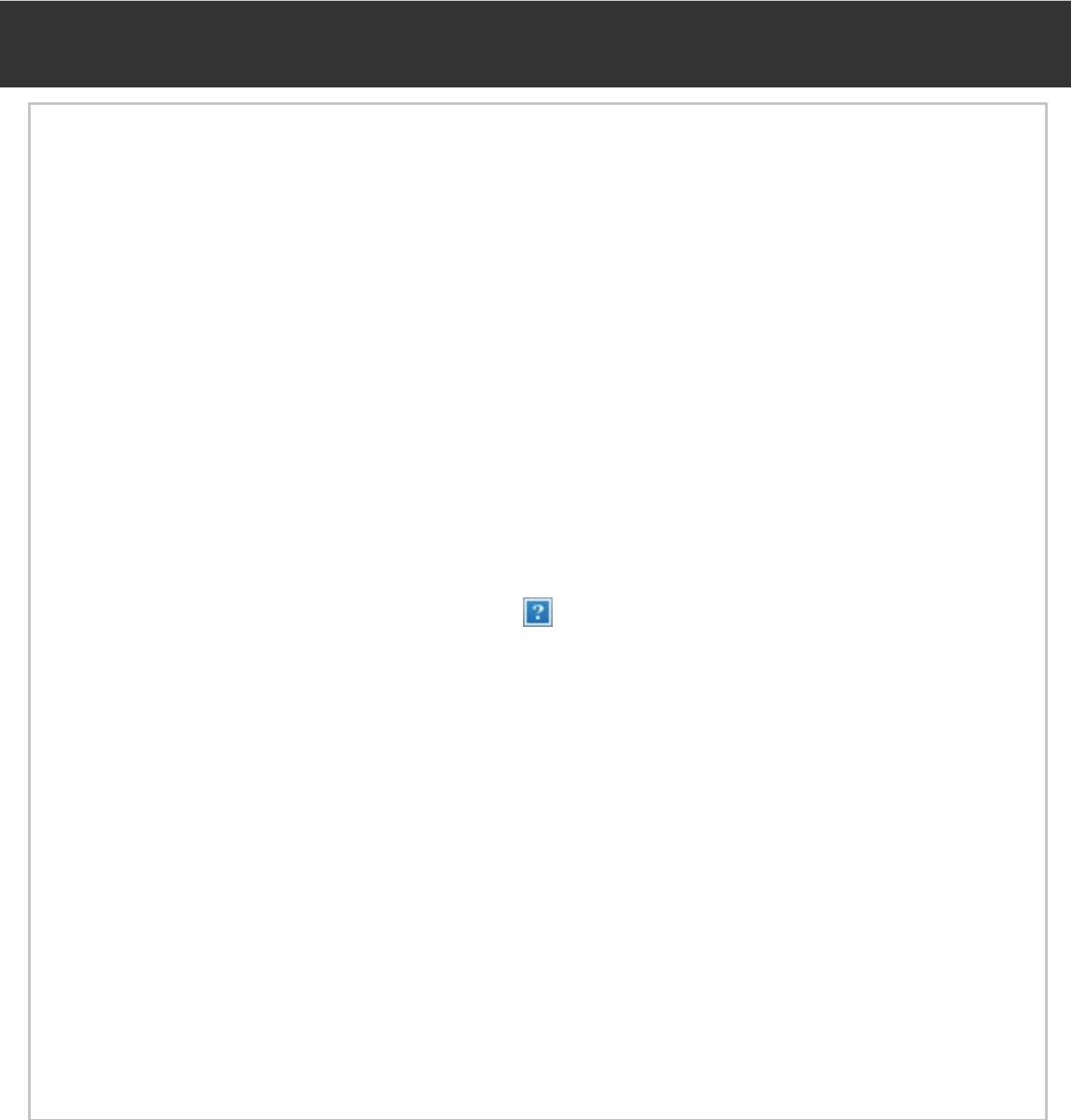
Sincerely,



Neil L. Bradley

cc: Members of the Senate Environment and Public Works Committee

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Download and Read the 2018 Human Freedom Index
Date: Wednesday, December 12, 2018 4:16:06 PM





The 4th annual *Human Freedom Index*, **now available free online**, is the most comprehensive measure of freedom ever created for many countries around the globe. The 2018 *Index* presents the state of human freedom in the world based on a broad group of measurements of personal, civil, and economic freedom that include freedom of movement, property rights, security and safety, and religion.

Authored by **Ian Vasquez**, director of the Cato Institute's Center for Global Liberty and Prosperity, and **Tanja Porcnik**, a Cato Institute adjunct scholar and president of the Visio Institute based in Slovenia, *The Human Freedom Index* helps clarify relationships between freedom and other social and economic phenomena, and illustrates how the various facets of freedom interact with one another.

The *Index*, co-published by the Cato Institute, the Fraser Institute, and the Liberales Institut at the Friedrich Naumann Foundation for Freedom, covers 162 countries for 2016, the most recent year for which sufficient data are available, and it includes three countries—Belarus, Iraq, and Sudan—that were added this year. The *Index* ranks countries beginning in 2008, the earliest year for which a robust enough index could be produced.

In this new *Index*, the United States ranks 17th. Overall, the report finds global freedom has fallen slightly since 2008. “The Rule of Law continues to be a weak point for the United States, which has relatively low ratings when it comes to such areas as the protection of

property rights, the enforcement of contracts, and criminal justice," said says co-author Ian Vásquez. "The Rule of Law plays a fundamental role in upholding liberty, so anyone who cares about freedom in the United States should be concerned with its evolution."

[Download the Human Freedom Index today](#)

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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Enron Ascending: The Forgotten Years (1984–1996) | Book Forum | September 20
Date: Thursday, September 6, 2018 3:13:40 PM

[View this email in your browser](#)

Upcoming Event



The Cato Institute invites you to a Book Forum on Thursday, September 20, 2018

Enron Ascending: The Forgotten Years (1984–1996)

(Wiley-Scrivener, 2018)

featuring the author

EVENT INFORMATION

Date: September 20, 2018

Time: 4:00PM - 5:15PM
(Reception and book signing to follow)

Cost: Free of charge

Robert L. Bradley Jr., CEO, Institute for Energy Research

with comments by

Jack High, Professor Emeritus, Schar School of Policy and Government, George Mason University

moderated by

Patrick J. Michaels, Director, Center for the Study of Science

RSVP to the event

In his sweeping 1996 Cato book, *Oil, Gas and Government: The U.S. Experience*, Rob Bradley described a century of political capitalism in the energy industry. In recent years, leading energy entrepreneurs such as Ken Lay (Enron), John Browne (BP), Jeffrey Immelt (GE) and, most recently, Elon Musk (Tesla) continue the clammy pursuit of wealth via government subsidies and regulations, often perfumed with trendy environmentalism.

Now, in *Enron Ascending: The Forgotten Years (1984–1996)*, Bradley identifies a broader context for political capitalism—“contra-capitalism,” a repeating syndrome that links rent-seeking with corporate deceit and personal violation of bourgeois virtues.

From this new perspective, Bradley rebuts both the charge that corporate scandals reflect badly on capitalism and the apologia that they are merely committed by capitalism’s “bad apples.” As an alternative, Bradley lays out a well-developed mirror image of contra-capitalism—a suite of behaviors consistent with classical-liberal teachings for business management.

Jack High, professor emeritus at George Mason University, has published several books on business and regulation. During a visiting professorship at the Harvard Business School, High edited the *Business History Review*.

If you can't make it to the event, watch it [Live Online](#) and join the conversation on Twitter using [#CatoEvents](#).

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Location: Cato Institute
1000 Massachusetts Ave, NW
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Additional Events:

Can Free Speech Be Progressive?

September 11, 2018 • 12:00PM to 1:30PM

Reclassification Risk in the Small-Group Health Insurance Market

September 12, 2018 • 12:00PM to 1:30PM

Sweden: Lessons for America?

September 13, 2018 • 12:00PM to 2:00PM

Markets for Millennials: How a New Supply-Side Radicalism Can Deliver Freedom, Wealth and Opportunity in the U.S. and U.K.

September 18, 2018 • 12:15PM to 1:30PM

The Liberal International Order: Past, Present, and Future

September 20, 2018 • 11:00AM to 12:15PM

[\[More events\]](#)

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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Enron Ascending: The Forgotten Years (1984–1996) | Book Forum | September 20
Date: Monday, September 17, 2018 10:57:02 AM

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Upcoming Event



The Cato Institute invites you to a Book Forum on Thursday, September 20, 2018

Enron Ascending: The Forgotten Years (1984–1996)

(Wiley-Scrivener, 2018)

featuring the author

EVENT INFORMATION

Date: September 20, 2018

Time: 4:00PM - 5:15PM
(Reception and book signing to follow)

Cost: Free of charge

Robert L. Bradley Jr., CEO, Institute for Energy Research

with comments by

Jack High, Professor Emeritus, Schar School of Policy and Government, George Mason University

moderated by

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Markets for Millennials: How a New Supply-Side Radicalism Can Deliver Freedom, Wealth and Opportunity in the U.S. and U.K.

September 18, 2018 • 12:15PM to 1:30PM

The Liberal International Order: Past, Present, and Future

September 20, 2018 • 11:00AM to 12:15PM

Borrowed Time: Two Centuries of Booms, Busts, and Bailouts at Citi

September 24, 2018 • 4:00PM to 5:00PM

Of Rockets and Robotics: The Regulation of Emerging Aerial Technology

September 25, 2018 • 10:00AM to 3:45PM

Double Game: Why Pakistan Supports Militants and Resists U.S. Pressure to Stop

September 27, 2018 • 11:00AM to 12:30PM

[\[More events\]](#)

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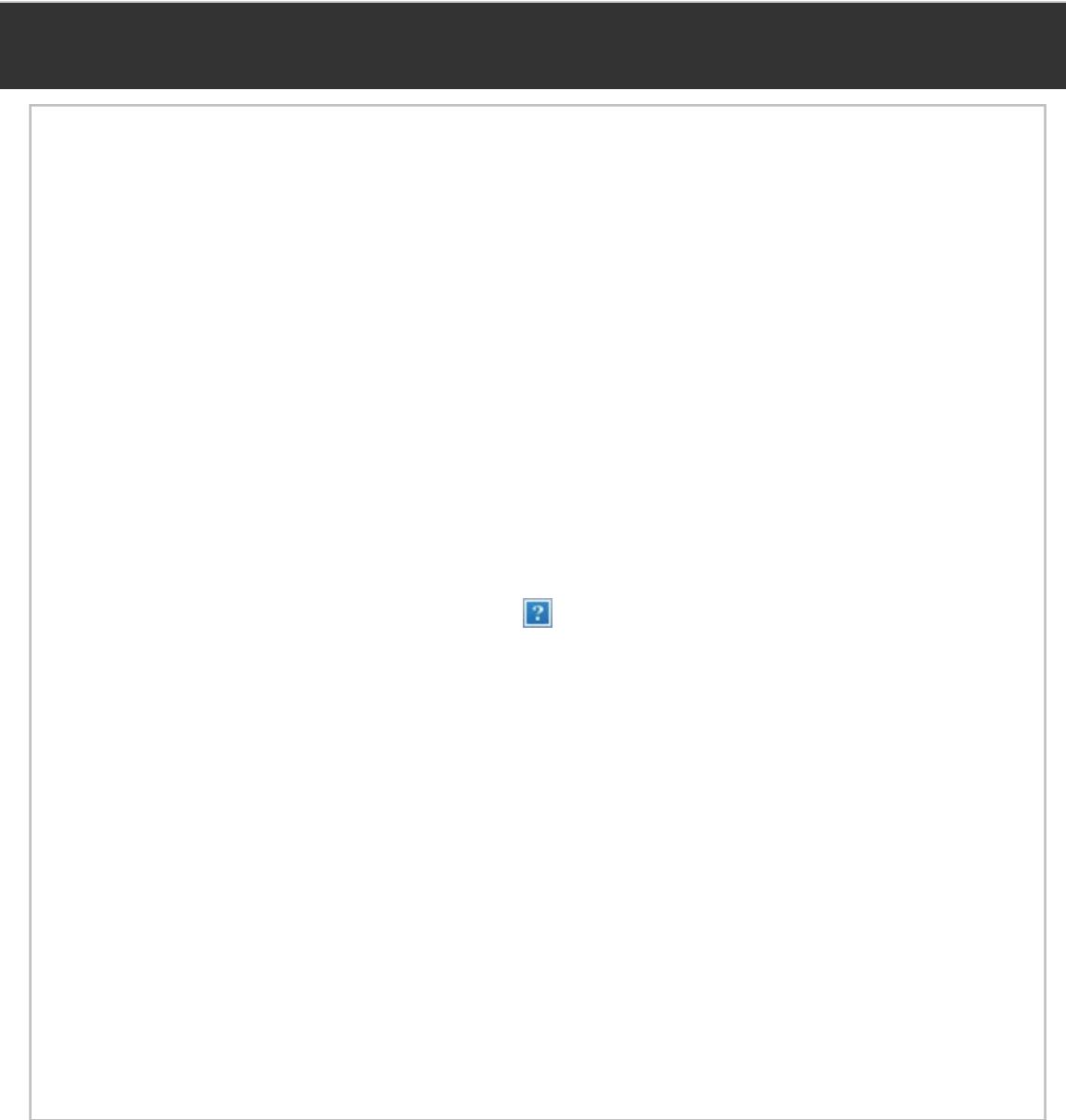


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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Foreign Policy Research from the Cato Institute
Date: Tuesday, June 26, 2018 9:19:32 AM



We invite you to take advantage of the extensive range of free online resources the Cato Institute provides on foreign policy issues. Podcasts, research reports, videos, op-eds, and more, offer you a wealth of expert insights on international affairs, current events, and America's role on the global stage.

Audio



Offering a skeptical take on U.S. foreign policy, this podcast tackles today's big questions in international security. With guests from across the political spectrum, this energetic and compelling podcast offers thought-provoking programs and indispensable perspectives.

Many of Cato's print publications are now available in audio format, including commentary on foreign military bases, the Iran nuclear deal, and lessons from the war on terror.



Current Research

War State, Trauma State: Why Afghanistan Remains Stuck in Conflict

By Erik Goepner. Policy Analysis No. 844. June 19, 2018.

A World Imagined: Nostalgia and Liberal Order

By Patrick Porter. Policy Analysis No. 843. June 5, 2018.

Avoiding a Korean Calamity: Why Resolving the Dispute with Pyongyang Requires Keeping the Peace

By Doug Bandow. Policy Analysis No. 840. April 26, 2018.

Risky Business: The Role of Arms Sales in U.S. Foreign Policy

By A. Trevor Thrall and Caroline Dorminey. Policy Analysis No. 836. March 13, 2018.

Recent Events

#CatoConnects: After the North Korea Summit

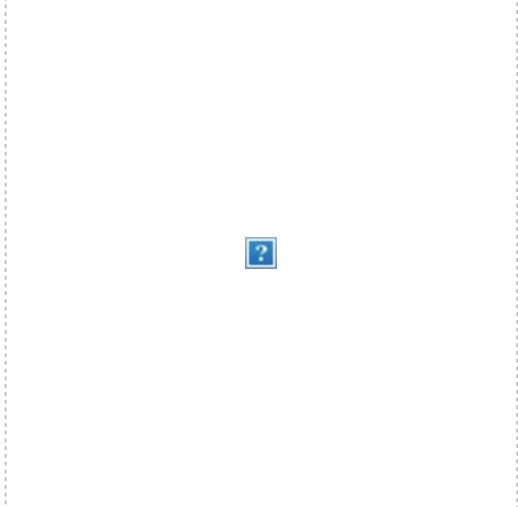


Recapturing Congress's War Powers: Repeal, Don't Replace, the 2001 AUMF



Psychology of a Superpower: Security and Dominance in U.S. Foreign Policy





Risky Business: The Role of Arms Sales in U.S. Foreign Policy



For the full spectrum of Cato's insightful materials on foreign policy – from NATO and homeland security to Russia, Iran, and Venezuela – [visit us online](#).



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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Frederick Douglass: Self-Made Man Now Available Nationwide
Date: Tuesday, December 18, 2018 7:40:00 AM

[View this email in your browser](#)



NOW AVAILABLE NATIONWIDE

As the nation pauses to remember Frederick Douglass on the bicentennial of his birth, the Cato Institute is proud to publish ***Frederick Douglass: Self-Made Man***. Timothy Sandefur's insightful and compelling biography offers a fresh look at Douglass's life and



inspirational legacy.

Born into slavery in 1818, Frederick Douglass rose to become one America's preeminent intellectuals and activists, who as a statesman, author, lecturer, and scholar helped lead the fight against slavery and racial oppression.

Unlike many other leading abolitionists, Douglass embraced the U.S. Constitution, believing it to be an essentially anti-slavery document that guarantees that individual rights belong to all Americans, of all races. Further, in his most popular lecture, "Self-Made Men," Douglass spoke of people who rise through their own effort and devotion rather than through the circumstances of privilege. "Personal independence is a virtue," declared Douglass in this lecture, "but there can be no independence without a large share of self-dependence, and this virtue cannot be bestowed." Embodying his beliefs, Douglass taught himself to read, then taught himself the principles of political philosophy, and then rose through his own efforts to become one of the nation's foremost intellectuals. A remarkable self-made man.

Frederick Douglass: Self-Made Man provides us with a sharply focused view into the mind and life of one of America's greatest thinkers.

"From Timothy Sandefur's elegantly written new biography, the reader gains a profound education in the life and thought of Frederick Douglass, one of the most heroic and insightful champions of liberty in this or any nation's history. For a concise introduction to the greatness of Douglass, one could do no better than to read this book."

-Peter C. Myers, Author of *Frederick Douglass: Race and the Rebirth of American Liberalism*.

About the Author

Timothy Sandefur is vice president for litigation at the Goldwater Institute and an adjunct scholar at the Cato Institute. He previously served as a litigator at the Pacific Legal Foundation, where he won important victories for economic liberty and property rights in states across the nation. He is the author of four previous books: *Cornerstone of Liberty: Property Rights in 21st Century*, *The Conscience of the Constitution*, *The Permission Society*, and *The Right to Earn a Living: Economic Freedom and the Law*.



Available at **Amazon**, **Barnes & Noble**, and bookstores nationwide

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paul_souza@fws.gov *why did I get this email?*

From: [Tyner, Jake](#)
To: ["todd_wynn@ios.doi.gov"](mailto:todd_wynn@ios.doi.gov)
Cc: ['Melissa_Beaumont@fws.gov'](mailto:Melissa_Beaumont@fws.gov)
Subject: [EXTERNAL] FW: Chamber Letter of Support for A. Skipwith Nomination
Date: Thursday, November 15, 2018 10:57:30 AM
Attachments: [111818-Chamber Letter of Support-Skipwith Nomination.pdf](#)

Todd –

Please see the below message. I seem to have written down your email wrong.

Thanks!

Jake

From: Tyner, Jake
Sent: Thursday, November 15, 2018 11:51 AM
To: 'todd.wynn@ios.doi.gov' <todd.wynn@ios.doi.gov>; 'Melissa_Beaumont@fws.gov'
<Melissa_Beaumont@fws.gov>
Subject: Chamber Letter of Support for A. Skipwith Nomination

Melissa, & Todd,

I wanted to pass along to you the attached letter from the Chamber to Chairman Barrasso and Ranking Member Carper, as well as the rest of the Senate EPW committee, in support of Aurelia Skipwith's nomination to be Director of the Fish & Wildlife Service. Please let me know if you have any questions.

Additionally, if you have time to chat on outreach sometime next week, I'd love to set up a call with you Todd. Please let me know if that is something you would be interested in.

Thanks!

Jake Tyner
Manager & Associate Policy Counsel
U.S. Chamber of Commerce | Global Energy Institute
W: 202-463-5344 | M: 202-853-2765
JTyner@USChamber.com | [LinkedIn](#)

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 15, 2018

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce supports the nomination of Aurelia Skipwith to be Director of the Fish and Wildlife Service (FWS) at the U.S. Department of the Interior (DOI). Ms. Skipwith is highly qualified to serve in this role and we look forward to the Senate Environment and Public Works Committee advancing her nomination to the full Senate for confirmation.

Ms. Skipwith has a distinguished career as a public servant and is an expert on fish, wildlife, and natural habitat policy and regulation. Ms. Skipwith currently serves as DOI's Deputy Assistant Secretary for Fish, Wildlife, and Parks, and has worked closely with stakeholders to provide appropriate guidance for implementing sound federal policy regarding the management and conservation of public lands and wildlife. She has also worked for the U.S. Department of Agriculture and U.S. Agency for International Development.

In addition, Ms. Skipwith's experience in the private and non-profit sectors has provided her with the knowledge and expertise to implement federal policy objectives. For example, prior to her time at DOI, she founded an agricultural value chain platform that united small farmers and multinational buyers with the tools needed to meet the growing demand for food.

Ms. Skipwith's confirmation would provide FWS with the key leadership and experience needed at DOI to manage important federal policies. As such, we urge you to swiftly act on Ms. Skipwith's nomination.

Sincerely,



Neil L. Bradley

cc: Members of the Senate Environment and Public Works Committee

From: [Lyndsay Polloway](#)
To: [Leopoldo Miranda](#)
Subject: [EXTERNAL] Fwd: U.S. Chamber's Small Business Master Class: Join us
Date: Tuesday, April 10, 2018 10:46:14 AM

Good morning Leopoldo,

With our partners at the Georgia Chamber of Commerce and MetLife, we at the U.S. Chamber of Commerce are pleased to host a small business event tour across the country. We hosted our kick-off discussion in Dallas last week -- and are delighted to continue the [conversation](#) in Atlanta on June 5.

My team shared our “save the date” last week (please see below), and I’m writing now to ensure you received it. We’d be happy to include you as our special guest of the U.S. Chamber; **you can register [here](#) and use code SBS50 to receive 50% off your pass (regular delegate passes are \$25 for members, \$50 for non-members).**

We’ll be in touch again next week with a first look at confirmed speakers, and I hope you’ll not hesitate to write with any questions or ideas in the meantime.

I do hope you’ll join us in Atlanta on June 5.

All best,
Lyndsay

Lyndsay Polloway
Vice President of Events
U.S. Chamber of Commerce

From: Small Business Series [mailto:SBSeries@uschamber.com]
Sent: Thursday, April 5, 2018
Subject: U.S. Chamber's Small Business Master Class: Join us

Leopoldo,

As means of introduction, I lead participant outreach for the U.S. Chamber of Commerce’s [Small Business Series](#). In partnership with Chris Clark and the Georgia Chamber of Commerce, we’re delighted to come to Atlanta for a convening of the city’s top business leaders on June 5. **As an influencer in the community, we'd be delighted to have you join us for our Small Business Master Class: Atlanta** - you can register and learn more [here](#).

Part of our mission at the Chamber is to support small business, entrepreneurs, and innovators, and the work you’re doing is tremendous. This Master Class will provide you with the unparalleled opportunity to network with like-minded entrepreneurs while also learning the tools to successfully grow your business in today’s rapidly changing environment.

Click [here](#) to join us, and see below for a sneak peak on the topics we'll cover:

- **Scaling your business: Navigating the jump to growing your business by adding talent**
- **Cybersecurity: Understanding the top threats facing small businesses and learning how to protect your business**
- **Digital marketing: Using social media to its fullest effect in marketing your brand**

- And many other topics affecting small businesses across the country, and particularly in the Atlanta metro area

Additional details follow below; I hope to meet you in Atlanta on June 5, and please don't hesitate to write with any questions – or your RSVP! – in the interim.

Warmly,

Alex Thorne
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062

When:
Tuesday, June 5, 2018
8:00 am - 2:00 pm

Where:
[Mason Fine Art & Events](#) (415 Plasters Ave, Atlanta, GA 30324)

How to Register:
Click [here](#) to register.

2018 Small Business Series Events:

Dallas: April 4
Atlanta: June 5
Twin Cities: July 24
DC: October 3
Phoenix: November 14

Questions?
Contact our Small Business Team at SBSeries@uschamber.com

If you do not want to receive future emails from The Small Business Series, go to: [Unsubscribe](#).

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Hear what people are saying about Cato University
Date: Tuesday, May 8, 2018 7:11:26 AM

[View this email in your browser](#)



Join us August 2-4 at the Cato University College of History and Philosophy at the Rancho Bernardo Resort in San Diego.

Cato University is a one-of-a-kind mind energizing experience. But, don't just take our word for it. Here are what some recent attendees have to say:

"I find it immensely valuable to attend Cato University for the face-to-face, focused interaction with the world's leading academics, scholars, practitioners, and experts on liberty. Cato University is professionally run and second to none,

with its live, interactive presentations. No time is wasted, and complete access is offered to the Cato executives. After attending Cato University, I leave refreshed, inspired, and optimistic that liberty is the only answer and will ultimately prevail."

-Brian Mulligan



"Cato University was absolutely outstanding. It was jam-packed from morning to night with knowledgeable speakers who kept one's attention at all times. The meal and break times were great for talking with the speakers and the other participants. I enjoyed meeting the student attendees, who restored my faith that people of all ages can—and some do—understand the need for freedom and education about freedom. This was my first Cato University conference, but it will not be my last."

-Joe Gensheimer



"Cato University: calm, rational, logical people who do their homework and teach proven concepts of government and liberty, simply based on truth. Exactly what the country needs now and, frankly, always." -John Kuzia



"Fascinating presentations from well-prepared speakers that open my eyes to the realities of what Big Government has done and continues to do to limit our freedom." -John Celick



"Cato University offers participants a rare combination of intellectual rigor and real-world relevance. The invited speakers are world-class experts who present a series of important, challenging, and interesting topics centered on economics, law, history, and philosophy. And all of this is delivered in a relaxed, informal setting that encourages open discussion and inquiry among the participants and speakers. Overall, participating at a Cato University conference is a very rewarding experience." -Paul Brockman



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From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] How Free is Your State?
Date: Tuesday, August 21, 2018 9:24:12 AM

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How free is your state?



Freedom in the 50 States is one of the most comprehensive and definitive sources on how public policies in each U.S. state affect an individual's economic, social, and personal freedom. The Cato Institute's new 2018 online site examines state and local government intervention across a broad range of categories—from taxation to debt, eminent domain laws to occupational licensing, and drug policy to educational choice.

More than 230 policy variables and their sources are at your fingertips, enabling you to create custom indices and analyses of fiscal policy, regulatory policy, and personal freedom. In addition, all of the research is available on the site to download for free in book format.

**Explore the full results at
www.Freedominthe50States.org.**



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From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Indispensable Remedy: The Broad Scope of the Constitution's Impeachment Power
Date: Thursday, September 13, 2018 12:35:22 PM

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"We've somehow managed to convince ourselves that the one job in America where you have to commit a felony to get fired is the one where you actually get nuclear weapons."

- from *Indispensable Remedy*



[Download a free print or audio edition](#)

Presidential impeachments are rare in American constitutional history: in the 230 years since ratification, only three presidents have faced serious attempts to remove them from office.

Indispensable Remedy: The Broad Scope of the Constitution's Impeachment Powers

Powers is a comprehensive primer on the purpose, history, and scope of the Constitution's impeachment provisions—and a corrective to myths about the remedy.

As detailed in the study, first among those myths is the notion that impeachment is reserved solely for criminal abuses of office. “Perversely, as the power of the office has grown,” writes author Gene Healy, “that misconception has ensured that the federal official with the greatest capacity to do harm now enjoys stronger job protection than virtually any other American.”

But the remedy James Madison described as “indispensable. . .for defending the community against the incapacity, negligence, or perfidy of the Chief Magistrate” isn’t limited to violations of the law or abuses of official power. The power to impeach, writes Healy, “should never be invoked lightly, but neither should Americans fear to wield it, should it become necessary.”

Chapters include

- The Origins of Impeachment
- The Constitutional Convention Debates
- The Constitutional Text
- The American Impeachment Cases
- The Scope of Impeachable Offenses
- Incapacity and Incompetence
- Negligence and Mismanagement
- Perfidy and Presidential Power

About the Author

Gene Healy is a vice president at the Cato Institute. His research interests include executive power and the role of the presidency. His writing has been published in major newspapers across the nation, and his 2008 book *The Cult of the Presidency: America's Dangerous Devotion to Executive Power* was acclaimed as “the year’s most pertinent and sobering public affairs book” by Pulitzer Prize-winning columnist George Will.



[Download "Indispensable Remedy" here](#)

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Subject: [EXTERNAL] Introducing the Jones Act Gazette
Date: Friday, November 2, 2018 8:44:08 AM



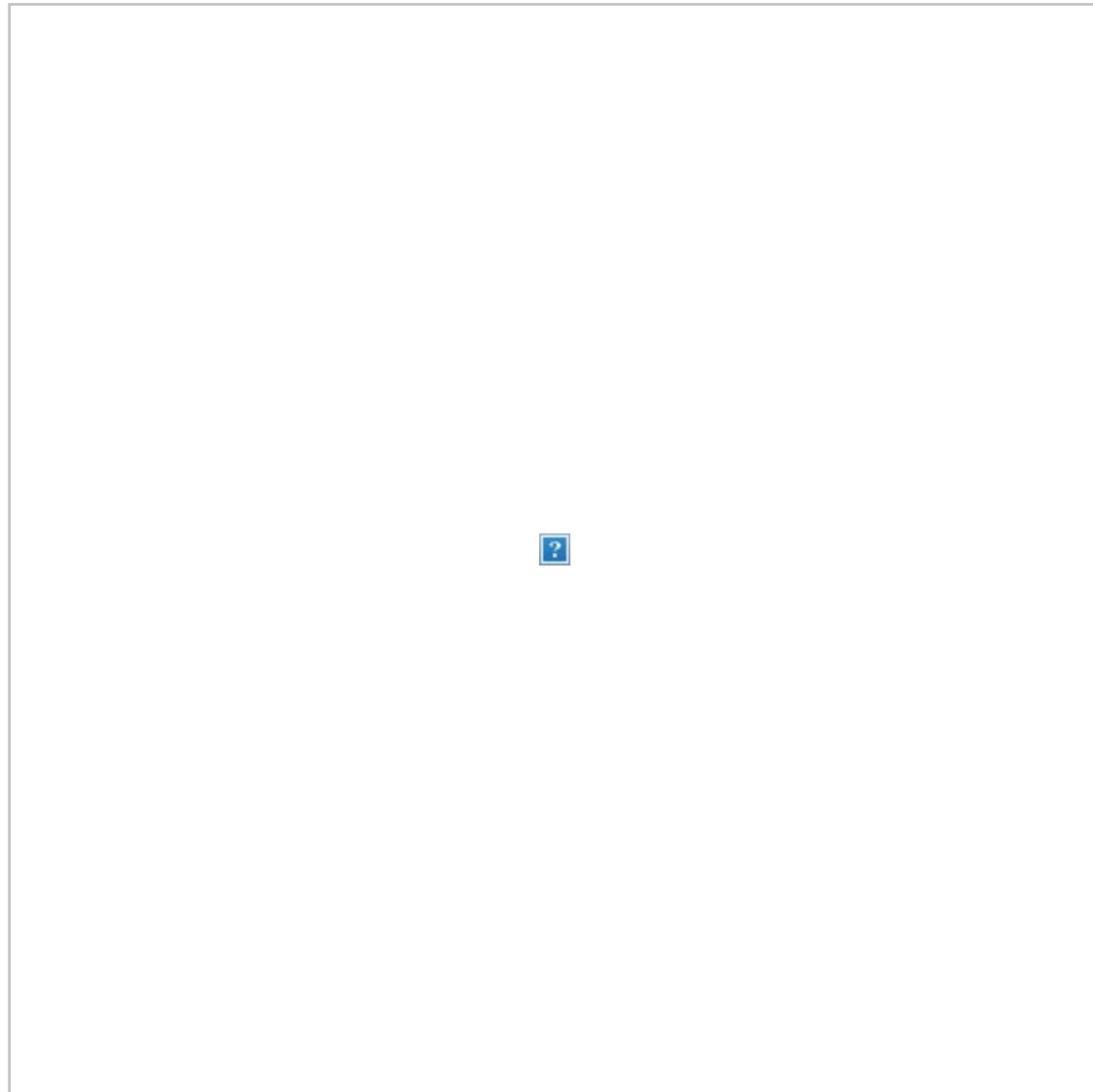
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Forward



Welcome to the inaugural issue of the Jones Act Gazette, a monthly newsletter rounding up some of the latest news and commentary about the outdated and costly law known as the Jones Act. By systematically exposing the truth about this nearly 100-year-old law, the [Cato Institute Project on Jones Act Reform](#) aims to raise public awareness and lay the groundwork for its repeal or reform. This month's edition highlights a new overview video about the Jones Act, our most recent Policy Analysis regarding the law, and recent related

commentary from the Cato Institute and other sources.

Click the button below to continue receiving the monthly Jones Act Gazette.

SUBSCRIBE



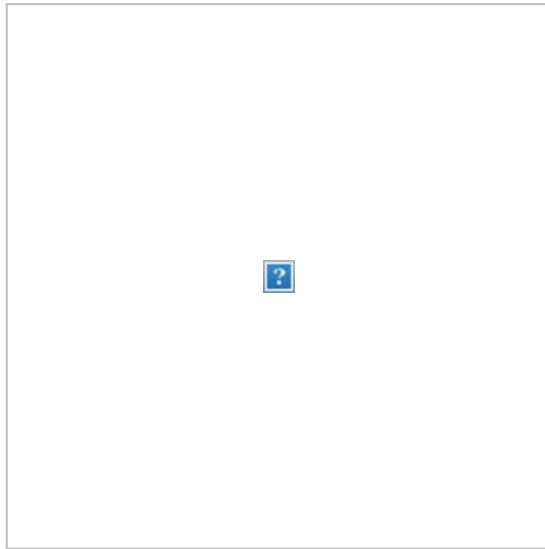
Unfamiliar with the Jones Act? This new video will get you up to speed.

Register Today for Our Jones Act Conference

On December 6 the Cato Institute will host a full-day event, "The Jones Act: Charting a New Course after a Century of Failure." The conference will examine the law's various

costs, the validity of its national security justification, and opportunities for reform. The event's culmination will be a debate between those in favor of the law and proponents of its repeal.

To view the list of speakers or register to attend please [click here](#).



The Jones Act: A Burden America Can No Longer Bear

For nearly 100 years, a federal law known as the Jones Act has restricted water transportation of cargo between U.S. ports to ships that are U.S.-owned, U.S.-crewed, U.S.-registered, and U.S.-built. Justified on national security grounds as a means to bolster the U.S. maritime industry, this Cato Institute policy analysis finds that the unsurprising result of this law has been to impose significant costs on the U.S. economy while providing few of the promised benefits.

Read the Full Report

Jones Act Commentary

Recent Cato Commentary on the Jones Act

**No Jones Act Cost to
Puerto Rico? I Have
My Doubts**



A report released by the American Maritime Partnership this summer concluded that the law has no impact on consumers in Puerto Rico. Such claims should be regarded with a large dose of skepticism.

[Keep Reading](#)

No Truckers? Let's Try Ships

Amidst mounting worries that a lack of truckers could undermine economic growth, the United States should take measures to promote the increased use of ships for domestic transport. Repealing the Jones Act would be a great starting point.

[Keep Reading](#)



We Can't Make This Up...

A [1999 GAO report](#) found that the cost of shipping a barrel of oil from Alaska to the U.S. Virgin Islands was almost exactly three times cheaper than sending the same oil to the Gulf Coast, despite the former journey being more than twice as long. The difference? The Virgin Islands enjoys an exemption from the Jones Act, allowing the oil to be exported on ships that were foreign-built and crewed.

Bringing You A Fresh Fact Each Month, Stay Tuned!

Keeping up with the Jones Act

Recent Non-Cato Commentary

[Duncan Hunter's Real Crime is the Jones Act](#), James Gibney, Bloomberg
[Jones Act Waivers Are a Symptom of the Problem](#), Malia Hill, The Hill
[Damage Done to Puerto Rico by the Jones Act Illustrates the Need to Repeal the Law](#),
Mark Perry, The Hill

Cato.org/JonesAct

#EndTheJonesAct

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From: [Alex Thorne](#)
To: [Leopoldo Miranda](#)
Subject: [EXTERNAL] Inviting You: US Chamber Small Business Summit 2018
Date: Tuesday, July 31, 2018 11:48:09 AM

Leopoldo,

Many thanks for your continued interest in the U.S. Chamber of Commerce's Small Business Event Series. I'm delighted to invite you to our fourteenth annual [Small Business Summit](#) here in DC, featuring networking opportunities, interactive discussions, and educational tools for small businesses and the organizations that partner with them.

As a capstone to our regional Small Business Series, we've worked hard to ensure that this year's Summit is even more valuable to you. We'll kick off on October 2 with a welcome reception and, on October 3, roll up our sleeves for a jam-packed day of content, topped off by our Dream Big Awards Gala that evening.

Across workshops, presentations, and discussions, we'll cover such topics as:

- **Recruiting and Retaining Talent:** Scale your business by hiring employees who fit your company's culture
- **Cybersecurity:** Understand the top threats facing small businesses and learn easy steps to protect your organization at any size
- **Defining and Building Your Brand:** Communicate your brand message to customers and grow your audience through digital marketing, automation, and storytelling
- **Accessing Capital:** Explore both traditional and nontraditional sources of capital and learn how to position your business to appeal to lenders
- **And many other topics affecting small businesses across the country**

A first look at speakers joining us follows below.

Able to join us? Click [here](#) to register and add your name. Whether you're a small business owner aiming for new tools or the leader of a major organization hoping to expand your network, we look forward to including your voice.

We will continue to be in touch as the date approaches and encourage you to reach out with any questions in the meantime.

All the best,

Alex Thorne
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062

[U.S. Chamber of Commerce](#)
[2018 Small Business Summit](#)

When:

Tuesday, October 2, 2018

Summit Welcome Reception: 5:00 pm - 7:00 pm

Wednesday, October 3, 2018

Summit Programming: 8:00 am - 6:30 pm

Dream Big Awards Gala: 6:30 pm - 9:30 pm

Where:

[U.S. Chamber of Commerce](#)

1615 H Street, NW

Washington, DC 20062

How to Register:

Click [here](#) to register.

Confirmed Speakers:

- Funlayo Alabi, CEO, Shea Radiance
- Jasmine Crowe, CEO, Goodr
- Jay Kaplan, President, Synack
- Antoinette Lafayette, Owner, Pink Frosting Cupcakes
- Gene Marks, Columnist, Author, and Small Business Owner
- Clay McDaniel, COO, Ripl
- Spike Mendelsohn, Chef and Restaurateur
- Jessica Moser, Senior Vice President, Small Business Solutions, Group Sales, U.S. Region, MetLife
- Alexa von Tobel, Founder and CEO, Learnvest.com

Questions?

Contact our Small Business Team at SBSeries@uschamber.com

If you do not want to receive future emails from the Small Business Series, go to: [Unsubscribe](#).

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To: paul_souza@fws.gov
Subject: [EXTERNAL] Join us in Boston for Cato University!
Date: Friday, September 21, 2018 11:40:40 AM

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Cato University: College of Economics • October 25-27, 2018 • Boston, MA

This fall session of Cato University is based on the conviction that economics is a way of thinking, a tool for decision-making, and a basis for action. It's the necessary foundation for understanding government, business, and society. Topics covered will include the power of incentives, the economics of trade and the politics of international trade, environmental economics, rational choice

and public policy analysis, the economic analysis of social policy, and how liberty and prosperity are connected.

Registration and information on the College of Economics program is available at Cato.org/Cato-University.



In addition to the compelling lectures from outstanding faculty, what makes this program truly unique is the atmosphere of friendship and respect in which participants can share their varying perspectives and form new and enduring friendships in a one-of-a-kind environment. We hope you will be able to join us this fall at the beautiful Omni Parker House located right on the historic Freedom Trail in Boston, MA.

DETAILS & REGISTRATION

If you have any questions about the 2018 program, please email **Brandi Dunn**. For registration inquiries, please call 202-789-5229.

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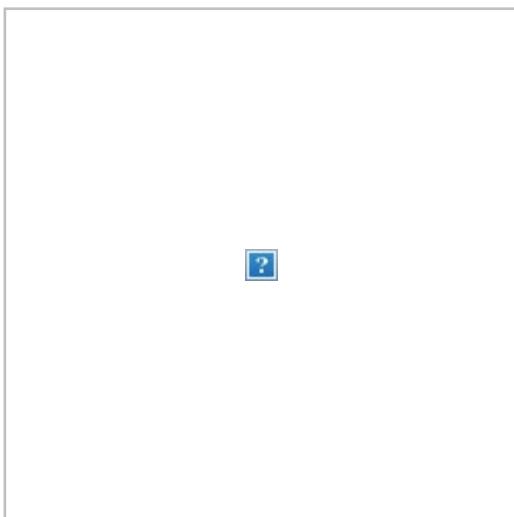
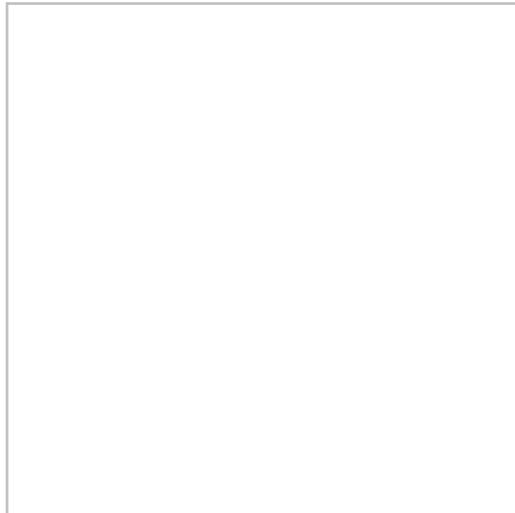
From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] Join us this summer in San Diego!
Date: Tuesday, July 3, 2018 3:19:25 PM

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Join us August 2-4, 2018, in beautiful San Diego!

In addition to exploring the foundations of individual liberty, what makes Cato University so unique is the atmosphere of mutual support and respect in which participants of all ages share personal perspectives and form new and enduring friendships.



There is no better location for this than the **Rancho Bernardo Inn**. With multiple indoor and outdoor lounge areas, three pools, and unmatched views, the Rancho Bernardo Inn is truly a one-of-a-kind experience. We hope to see you there in August!

DETAILS & REGISTRATION

Not able to attend our History and Philosophy program in August? Sign up today to join us in **Boston, October 25-27, 2018** for **Cato University: College of Economics**!

Discussions from top economics scholars will solidify your expertise on basic economic principles, and then help you apply those tools to today's most pressing issues.

Special package pricing is available. If you are interested in attending more than one Cato University session within the year, please contact events@cato.org.

If you have any questions about the 2018 program, please email **Brandi Dunn**. For registration information, please call 202-789-5229.

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Subject: [EXTERNAL] Mad About Trade
Date: Thursday, April 19, 2018 12:16:53 PM

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MAD ABOUT TRADE

[Download a Free Copy](#)

Nearly 10 years ago, the Cato Institute published *Mad About Trade*, which energetically detailed the enormous benefits of free trade and illustrated how an open global economy has created a more prosperous, democratic and peaceful world.

But, with the threat of needless trade battles erupting — as President Trump moves to levy restrictions on a vast range of imports and investments from China— deep damage could be inflicted on our economy, on this global progress, and on the international trading system.

Because its message is more timely and needed than ever, *Mad About Trade* —an acclaimed guide to the myths and realities of free trade— is now available for free downloading on the Cato Institute’s web site.

This classic work casts a powerful light onto aspects of trade that are under-reported, misunderstood, disregarded, or simply false. Author Dan Griswold sets the record straight, demonstrating that an open, global economy has made America stronger in his discussion of the following points:

- Import competition provides lower prices, greater variety, and better quality.
- Trade barriers erected in the United States are harmful and manipulative, their value often misrepresented by those with economic or political axes to grind.
- Foreign investment here has created well-paying jobs and investment abroad has given U.S. companies access to millions of new customers.
- Trade has helped expand the global middle class, reducing poverty and child labor while fueling demand for U.S. products.

Mad about Trade



In addition to reading or downloading *Mad About Trade*, we also invite you to explore the wealth of other resources Cato has created **on this vital subject**.

[Read/Download Mad about Trade](#)



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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
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Subject: [EXTERNAL] New book from the Cato Institute: Inclusive Economy
Date: Friday, December 7, 2018 2:29:01 PM

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NOW AVAILABLE NATIONWIDE

“An extraordinarily thoughtful and comprehensive look at the history, causes, and debates about poverty.”

– Andrew Stern, president emeritus,
Service Employees International Union.

“It will be a long time before we get



another volume on poverty that delivers the breadth of understanding and solutions found in this superb volume.”

— Ron Haskins, codirector, Center of Children and Families, Cabot Family Chair in Economic Studies, Brookings Institution

“A balanced, sober, and thoughtful examination of the causes of poverty... and a hopeful and practical road map for how to make things better.”

— Matt Zwolinski, director, University of San Diego, Center for Ethics, Economics, and Public Policy

Is there a better way to fight poverty in America?

In a bold, innovative challenge to conventional wisdom, ***The Inclusive Economy: How to Bring Wealth to America’s Poor*** energetically examines the reasons for poverty in America and offers a detailed agenda for increasing wealth, incomes, and opportunity.

Author Michael Tanner, a senior fellow at the Cato Institute, shows how conservative critiques of a “culture of poverty” fail to account for the structural circumstances in which the poor live, especially racism, gender discrimination, and economic dislocation – and takes liberals to task for fighting poverty through income redistribution and new government programs.

Rather than engaging in yet another debate over increasing vs. cutting government programs, Tanner offers real-world solutions that include criminal justice reform, greater educational freedom, housing deregulation, banking reform, and more inclusive economic growth. Tanner’s focus is on empowering people and providing them with greater control of their lives.

Join us online for a special *Cato Connects* event with Michael Tanner as he discusses *The Inclusive Economy* and takes viewer questions.

Thursday, December 13, 1 p.m. (EST). Streaming at Cato.org/Live

**Ebook and hardback on sale nationwide.
Audiobook available on Audible.com.**

About the Author

Michael Tanner is a senior fellow with the Cato Institute in Washington, D.C., where he heads research on a variety of domestic policy issues, with an emphasis on social welfare, health care, and retirement. He is the author of several previous books, including *Going for Broke: Deficits, Debt, and the Entitlement Crisis* and *Leviathan on the Right: How Big Government Conservatism Brought Down the Republican Revolution*, and coauthor of *A New Deal for Social Security*. Tanner is a frequent commentator on cable and network television, and his writing has appeared in nearly every major American newspaper.



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Date: Thursday, December 13, 2018 10:22:38 AM

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Join us **today** for a live **Cato Connects** event with Michael Tanner as he discusses *The Inclusive Economy*. Tweet your questions with **#CatoConnects** to join the discussion.

Thursday, December 13, 1 p.m. (EST). Streaming at **Cato.org/Live**

NOW AVAILABLE NATIONWIDE



“An extraordinarily thoughtful and comprehensive look at the history, causes, and debates about poverty.”

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“It will be a long time before we get another volume on poverty that delivers the breadth of understanding and solutions found in this superb volume.”

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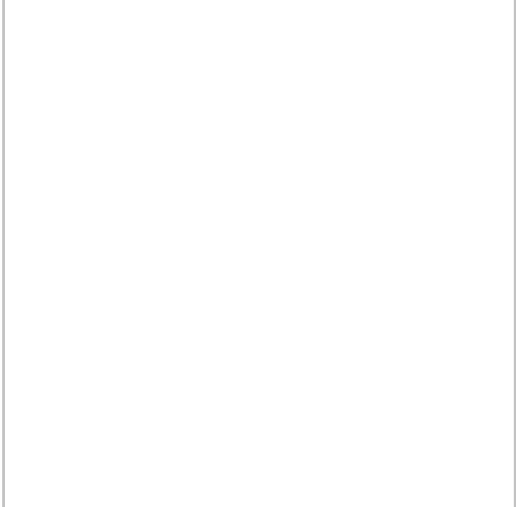
From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: [EXTERNAL] New from Cato: Romance of the Rails
Date: Tuesday, October 30, 2018 2:15:20 PM

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NOW AVAILABLE NATIONWIDE

The culmination of author Randal O'Toole's decades of experience and work, this new book is a rich history of rail in America, a powerful exposé on the massive government funds pouring into inefficient and outdated rail projects, and a guide to solutions



to the transportation challenges we face. As *Romance of the Rails* thoroughly chronicles, Americans love passenger trains, but we need an intervention – we have to stop expecting them to do for us now what they did in the 19th century. If we stay on the track we are now following, we will continue to be taken for a costly ride.

Listen to the Introduction Here

"Regardless of whether you are a rail advocate or critic, this book is for you. We can all learn from its remarkable historical insights and extraordinary research."

— **Joseph Vranich, former president of the High Speed Rail Association**

"Finally, a book that captures the excitement of rail travel without losing sight of economic reality. O'Toole has given use a primer on the history of passenger rail and rail transit, and a careful look at the future viability of both."

— **Robert Poole, director of Transportation Policy, Reason Foundation**

About the Author

Lifelong rail enthusiast Randal O'Toole is a Cato Institute Senior Fellow working on urban growth, public land, and transportation policy. Having authored five previous books, he "has earned a reputation for dogged legwork and sophisticated number crunching" (*U.S. News and World Report*). O'Toole also helped form the American Dream Coalition, a grassroots group that promotes free-trade solutions to urban problems.



**Available at [Amazon](#), [Barnes & Noble](#), and
bookstores nationwide.**

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New from HumanProgress.Org

A project of the Cato Institute

Newly redesigned and incorporating advanced and innovative visualization tools, **HumanProgress.org** is now an even more authoritative and user-friendly source for hundreds of data sets and millions of individual data points.



A growing body of evidence points to *dramatic* improvements in human well-being throughout much of the world, especially in developing countries. By most measures, there has never been a better time to be alive.

Since its launch five years ago, **HumanProgress.org** (a project of the Cato Institute) has become an acclaimed and highly utilized virtual bridge between the mostly positive long-term trends and the largely negative public perception of life on earth.

Without fees OR user registration, the website marshals the evidence that documents the forward march of human progress.

Whether you dig into the site's data on health, literacy rates, travel, leisure time, access to information and education, or political and religious freedoms, the site enables you to:

- **Explore a plethora of human development indicators from a wide range of reliable sources**

- Compare different indicators with one another
- Create and share (on social media and elsewhere) visually compelling and information-packed graphics
- Calculate differences in human well-being between countries over time

Certainly, too many individuals must still face war, famine, disease, and subjugation. The human condition is far from perfect. But the trend is strikingly clear: human progress, despite a drumbeat of negativity (both real and imagined), is on a persistent upward arc.

In addition, **HumanProgress.org** offers an extensive range of thoughtful commentary, videos, and opinion pieces from a team of expert editors in association with leading outside researchers and scholars.

Watch a short video about HumanProgress.org



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From: [Cato Institute](#)
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Subject: [EXTERNAL] New from the Cato Institute on Foreign Policy
Date: Tuesday, December 4, 2018 12:14:25 PM

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New from the Cato Institute

The murder of Saudi journalist Jamal Khashoggi has cast a deep shadow over



Washington's relationship with Saudi Arabia. The ever-changing story about how Khashoggi died undermines the Saudi government's already weak credibility and is illustrative of its extensive record of human rights abuses and outright war crimes.

Washington's solicitous, even enabling, posture toward Saudi Arabia cannot disguise the fact that the kingdom has never been a reliable U.S. ally. Unfortunately, U.S. leaders are far too willing to make moral compromises when security threats are modest. Abandoning essential moral standards and values for the defense of lesser interests is never justified. Yet that is precisely what the United States has done with Saudi Arabia for decades.

First published as a key section of *Perilous Partners*, coauthored by Ted Galen Carpenter and Malou Innocent several years ago, *The Ties That Bind* documents the many instances in which U.S. and Saudi interests have diverged. Amplified with recent cases covered in the new material Carpenter has added to this book, the argument for terminating a toxic U.S.–Saudi alliance indefensible on both strategic and moral grounds becomes clearer and more urgent than ever before.

You can purchase your copy at [Amazon.com](#).

Upcoming Event



Saudi Arabia's War in Yemen

After years of quiet U.S. support for Saudi Arabia's bombing campaign in Yemen, top officials in the Trump administration are finally talking about ending the conflict. But a lasting resolution to the war remains a distant prospect, and the Yemeni people continue to suffer under bombardment and blockade in one of the worst humanitarian crises in recent memory.

What are the facts in Yemen? Why has the United States abetted the Saudi war in Yemen for almost four years? And what is the role of Congress in checking the authority of the executive to get involved in distant conflicts? Please join us for a discussion of these topics.

featuring

Rep. Ro Khanna, (D-CA)

Caroline Dorminey, Policy Analyst, Cato Institute

Scott Paul, Humanitarian Policy Lead, Oxfam America

Kate Kizer, Policy Director, Win Without War

moderated by

John Glaser, Director of Foreign Policy Studies, Cato Institute

Attend in person or watch online December 7 at 9:00AM to 10:30AM EST

Details & Registration

Other Related Articles from Cato Institute Defense and Foreign Policy Scholars...

The U.S.-Saudi Alliance Was in Trouble Long Before Jamal Khashoggi's Death

By Emma Ashford, *War On The Rocks*

The Saudi-Iranian Cold War

By Emma Ashford, *ISS Forum*

Unbalanced: Rethinking America's Commitment to the Middle East

By Emma Ashford, *Strategic Studies Quarterly*

Yemen Shows Why US Needs to Change Its Arms Sales Policy

Caroline Dorminey, *Defense One*

Risky Business: The Role of Arms Sales in U.S. Foreign Policy

By Trevor Thrall and Caroline Dorminey, Cato Institute Policy Analysis

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New issue of the Cato Journal

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Volume 38, Number 3, Fall 2018

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This edition of *Cato Journal* focuses on comparative history and politics, the merits of financial and legal deregulation, and the legacies of thinkers Peter Bauer and Leland B. Yeager.

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Volume 38, Number 2, Spring/Summer 2018

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This edition of Cato Journal focuses on the merits of a rules-based international monetary system, domestic monetary policy, the future of currency, and China's role in the global monetary system. Dedicated to the memory of Allan H. Meltzer, one of Cato Journal's prolific contributors and friends, this issue celebrates the informed pursuit of improvement for our monetary institutions as well as the vibrancy and nuance of discussion that ensure the best steps for economic prosperity are being taken.

ARTICLES INCLUDE

Milton Friedman and the Case for Flexible Exchange Rates and Monetary Rules

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The Slow, Uneven Rise of the Renminbi

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Date: Thursday, July 12, 2018 11:44:47 AM

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The first season of ***The Pursuit*** – a new podcast produced by Libertarianism.org (a project of the Cato Institute) – is now available online. We hope you'll take an opportunity to listen and subscribe.

Through interviews, personal stories, and commentary from experts, *The Pursuit* reveals the often painful and infuriating consequences of cavalier and overreaching government applications of eminent domain and asset forfeiture. One of the most potent examples of this, the historic and infamous 2005 *Kelo v. New London* Supreme Court decision, is explored in *The Pursuit* with the major participants in the case.

Hosted by Tess Terrible, these inaugural shows examine the intersection of private property rights and government action. The programs explore the two methods government uses to seize private property: eminent domain and asset forfeiture. As you'll hear, property rights in our country are far from being secure.

As the podcasts convey, property itself is rarely just a plot of land. It is often at the heart of an individual's life — it embodies history, memories, futures, plans, a lifetime of hopes...but is also, all too often, no match when up against a grasping government.

We hope you'll become a listener of *The Pursuit*---now, and in the episodes and seasons to come.



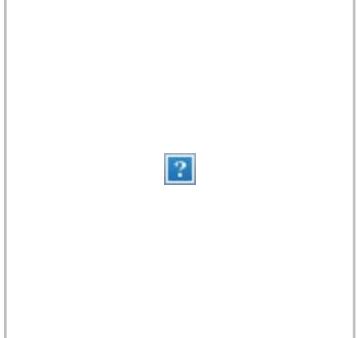
Additional podcasts produced by Libertarianism.org

A large rectangular box with a thin gray border. Inside, there is a single blue square with a white question mark, positioned near the bottom left corner.

Hosted by Cato's Aaron Ross Powell and Trevor Burrus, **Free Thoughts**, a weekly show about politics and liberty, features conversations with top scholars, philosophers, historians, economists, and public policy experts. Recent topics include the freedom of online speech, blockchain, and police accountability.

A large rectangular box with a thin gray border. Inside, there is a single blue square with a white question mark, positioned near the bottom right corner.

Author George H. Smith explores the history of libertarian ideas in **Excursions**, a weekly podcast narrated by Daniel Hyland. Each episode analyzes the philosophers, political theorists, historical events, social movements, and more, that inspire and guide libertarians today.



Anthony Comegna puts history through a libertarian lens at **Liberty Chronicles**. This weekly podcast featuring specialist interviews, primary and secondary sources, and answers to listener questions establishes the precedents to some of today's most pressing debates on liberty.



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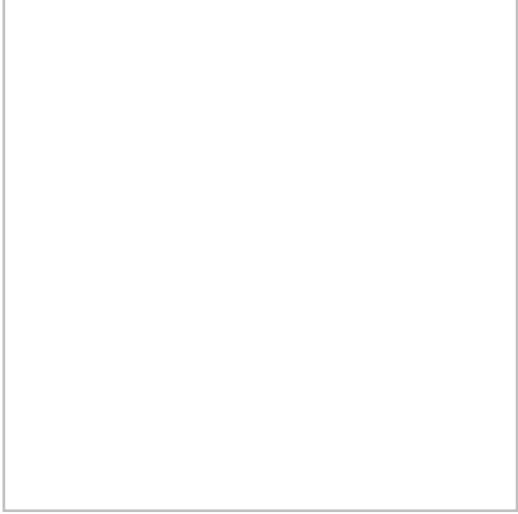
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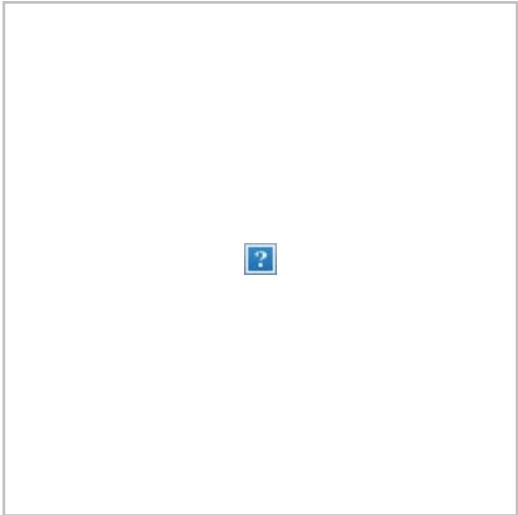
Since 1920 the Jones Act has mandated that the sea transport of cargo between U.S. ports must be performed by vessels that are U.S.-built, U.S.-owned, U.S. flagged, and U.S.-crewed. This **new project** from the Cato Institute aims to shake up the status quo by shining a spotlight on the Jones Act's myriad negative impacts and exposing its alleged benefits as entirely hollow. By systematically laying bare the truth about this nearly 100 year old failed law, the Cato Institute Project on Jones Act Reform is meant to raise public awareness and lay the groundwork for its repeal or reform.

The Budgetary Effects of Ending Drug Prohibition

In the past several years, the national movement to end drug prohibition



has accelerated. A new bulletin from Cato scholar Jeffrey Miron uses the most recent available data to estimate the fiscal windfall that would be achieved through drug legalization.

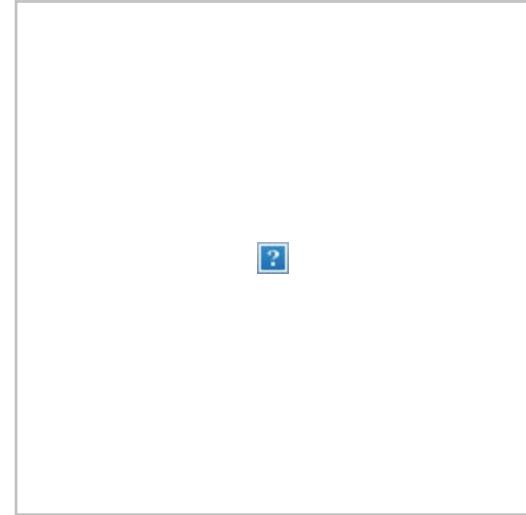


Why Does the Federal Government Issue Damaging Dietary Guidelines?

Cato scholar Terence Kealey recounts how federal dietary guidelines from the 1970s coincided with—and probably contributed to—the subsequent epidemics of obesity and type 2 diabetes.

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A new podcast series from Libertarianism.org (a project of the Cato Institute) on the painful consequences of eminent domain and asset forfeiture. [Subscribe](#) and follow the conversation on Twitter at @ThePursuitPod.



More Research from the Cato Institute

Should Cryptocurrencies Be Regulated like Securities?

By Diego Zuluaga

Understanding the Effects of Legalizing Undocumented Immigrants

By Joan Monras, Javier Vázquez-Grenno, and Ferran Elias

A World Imagined: Nostalgia and Liberal Order

By Patrick Porter

War State, Trauma State: Why Afghanistan Remains Stuck in Conflict

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**Abuse-Deterrent
Opioids and the Law of
Unintended
Consequences**



In response to the surge of opioid overdoses, policymakers have focused on developing and promoting abuse-deterrent formulations (ADFs) that render diverted opioids unusable for nonmedical purposes. Surgeon and Cato scholar Jeffrey A. Singer argues that these efforts are producing unintended consequences, such as making legal pain relief unaffordable for many and possibly increasing morbidity and mortality.



The New National ID Systems

Americans have long rejected a national ID, but many U.S. state governments are quietly developing national ID systems in a variety of forms. **Jim Harper** summarizes the stances of each of the 50 states on various ID systems, including REAL ID, E-Verify, facial recognition, and license-plate scanning. Together, those technologies—along with other initiatives orchestrated at the federal level—are the leading edge of a national identification and tracking infrastructure.



The Public Benefit of Private Schooling

According to economic theory, private schooling improves student achievement by increasing competitive pressures on educators to provide high-quality educational experiences. Cato scholar **Corey A. DeAngelis** examines the effect that increased access to private schooling has on international student test scores in 52 countries around the world, and finds that a 1 percentage point increase in the private share of total primary schooling enrollment would lead to moderate

increases in student math, reading, and science achievement within nations.

Listen Now

Power Problems is a bi-weekly podcast from the Cato Institute. Hosts Trevor Thrall and Emma Ashford offer a skeptical take on U.S. foreign policy, and discuss today's big questions in international security with guests from across the political spectrum.

Subscribe and listen online — and follow the conversation on Twitter with the hashtag #FPPowerProblems.



More Research from the Cato Institute

Your Money's No Good Here: How Restrictions on Private Securities Offerings Harm Investors by Thaya Brook Knight

Tesla Takes On Michigan by Will Zerhouni

The Nordic Glass Ceiling by Nima Sanandaji



Cato Journal
Winter 2018, Vol. 38 No. 1



Regulation

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Indispensable Remedy: The Broad Scope of the Constitution's Impeachment Power

Presidential impeachments are rare in American constitutional history: in the



230 years since ratification, only three presidents have faced serious attempts to remove them from office. **Indispensable Remedy** is a comprehensive primer on the purpose, history, and scope of the Constitutionâ€™s impeachment provisionsâ€”and a corrective to myths that have grown up around the remedy.



The Ideal U.S.-U.K. Free Trade Agreement

Many good reasons exist to negotiate and conclude a bilateral trade agreement between the United States and the United Kingdom. **Daniel J. Ikenson, Simon Lester**, and **Daniel Hannan** describe the principles that should be reflected â€”as well as the substantive issues, elements, and provisions that should be included â€”in what free traders would consider the ideal free trade agreement between these longstanding allies.



Parental Leave: Is There a Case for Government Action?

Some policy-makers claim that government-supported parental leave would markedly improve workersâ€™ lives by improving labor-market outcomes and reducing gender inequality. Cato scholar **Vanessa Brown Calder** provides economic research and federal data that suggest otherwise.

Double Game: Why Pakistan Supports Militants and Resists U.S. Pressure to Stop



The United States and Pakistan have a shared interest in ending the war in Afghanistan. **Sahar Khan** explains how this objective will continue to elude Washington unless policymakers better understand the motivations behind Islamabadâ€™s support for militant groups in Afghanistan and Kashmir.

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From Revolving Doors to Regulatory Capture? Evidence from Patent Examiners

By Haris Tabakovic and Thomas G. Wollmann

Who Participates? An Analysis of School Participation Decisions in Two Voucher Programs in the United States

By Corey A. DeAngelis and Blake Hoarty

The Political Impact of Immigration: Evidence from the United States

By Anna Maria Mayda and Giovanni Peri

Tax Reform and Interstate Migration

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Freedom in the 50 States

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Cato Institute Project on the Jones Act

The Cato Institute is vigorously working to raise awareness about the Jones Act and lay the groundwork for this outdated law's repeal or reform.



Why are we undertaking this effort? Here's some background on the Jones Act.

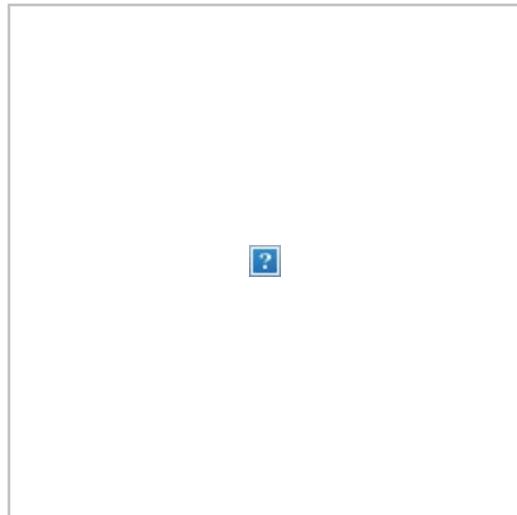
Since 1920, the Jones Act has mandated that the sea transport of cargo between U.S. ports must be performed by vessels that are U.S.-built, U.S.-owned, U.S. flagged, and U.S.-crewed. Justified on national security grounds, the law was meant to ensure a strong maritime sector to bolster U.S. capabilities in times of war or national emergency. These benefits, however, have proved illusory. Instead, the Act imposes a very real and ongoing economic burden and survives due to well-connected supporters and to the public being generally unaware of the law and its costs.

Through a multi-faceted range of initiatives – including events, publications, lectures, podcasts, videos, and op-eds – the Cato Institute will be working energetically to reveal the full extent of the Jones Act’s negative impacts, outdated goals, and false benefits.

New Featured Report

The Jones Act: A Burden America Can No Longer Bear

How has such an archaic and burdensome law been able to withstand scrutiny and persist for almost a century? Authors Colin Grabow, Inu Manak, and Daniel J. Ikenson examine the law's history, the burdens it imposes on consumers and businesses, its true costs, the vast wear and tear it brings to our country's infrastructure, and on how its national security justification is disconnected from modern military and technological realities.



For a wide range of additional resources and materials visit www.cato.org/jonesact



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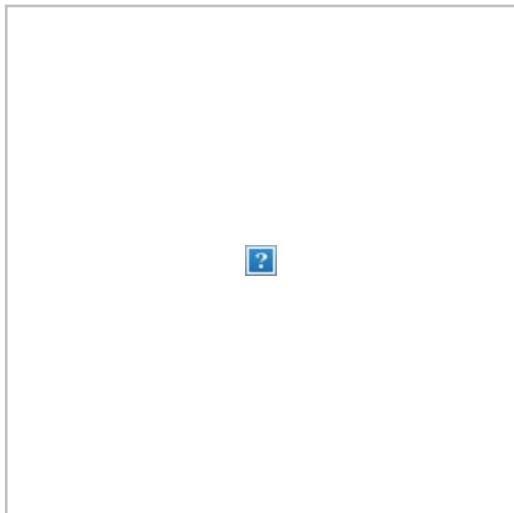


Economic Freedom of the World 2018 Annual Report

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The **Economic Freedom of the World** seeks to measure the consistency of the

institutions and policies of various countries with voluntary exchange and the other dimensions of economic freedom.



The annual *Economic Freedom of the World* report is produced by the Fraser Institute, a Canadian think-tank, in cooperation with the Cato Institute and the Economic Freedom Network, a group of independent research and educational institutes in nearly 100 nations and territories worldwide. This is the 22nd edition of *Economic Freedom of the World* and this year's publication ranks 162 countries and territories for 2016, the most recent year for which data are available.

Each country is rated on a 0-10 scale where a higher value indicates a higher level of economic freedom. The United States returned to the top 10 in 2016 after an absence of several years, with an overall rating of 8.03. During the 2009-2016 term of President Obama, the U.S. score initially continued to decline as it had under President Bush. From 2013 to 2016, however, the U.S. increased its rating from 7.74 to its current standing. This is still well below the high-water mark of 8.62 in 2000 at the end of the Clinton presidency.

Hong Kong and Singapore occupy the top two positions. The next highest scoring nations are New Zealand, Switzerland, Ireland, United States, Georgia, Mauritius, United Kingdom, Australia and Canada, the last two tied for 10th place. Venezuela is again ranked as the lowest in economic freedom out of the countries of this year's report.

Three new countries— Belarus, Iraq, and Sudan— were added to the Index this year, bringing the total number of jurisdictions measured to 162. The Index also integrates differential legal treatment according to gender, thus taking into account the fact that women do not have the same level of economic freedom as men do in all nations.

The cornerstones of economic freedom include personal choice, voluntary exchange, freedom to enter markets and compete, and security of the person and privately owned property. The data shows people living in countries with high levels of economic freedom enjoy greater prosperity, more political and civil liberties, and longer life spans.

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NOW AVAILABLE

Ten years after the 2008 financial crisis, we are again facing the possibility of economic turmoil as the Fed and other central banks



exit their unconventional monetary policies. Although central banks will move gradually, unforeseen circumstances could trigger a flight to safety and a collapse of

asset prices. Contributors to this volume draw lessons from this last decade of unconventional monetary policies and offer proposals for reducing monetary uncertainty, including adopting a rules-based monetary policy both at the domestic and international levels.

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The current system of pure government fiat monies, managed by discretionary central banks, is inconsistent with monetary freedom and stability. The lack of a rules-based monetary regime and the barriers to competitive private currencies limit freedom which dangerously enhances the power of central bankers. The contributors to this volume energetically question the status quo and provide compelling arguments for moving



to a monetary system based on freedom and the rule of law.

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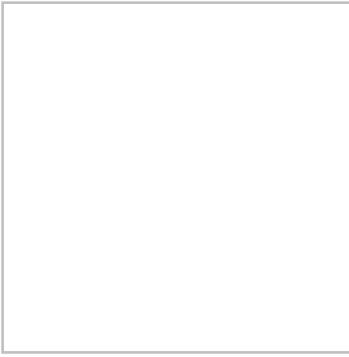
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Overcharged: Why Americans Pay Too Much for Health Care
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How did the price for 50 cents worth of saline solution reach nearly 2,000 times that amount? Because America's health care system is not subjected to the same forces that apply to the



rest of the economy. Applying those forces will reduce costs and improve access for all.

Overcharged provides the necessary prescription—the reforms our system desperately needs.

Visit Cato.org/Overcharged, for audio and print excerpts from the book.



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Overcharged

Why Americans Pay Too Much for Health Care

by Charles Silver and David Hyman • Available nationwide

Overcharged



America's health care system is badly broken. Subjecting health care to the same forces that apply to the rest of the economy will reduce costs and improve access for all. *Overcharged* provides the necessary prescription—the reforms our system desperately needs.

[[Read/listen to excerpts](#)]



Just how out of control is our health care system becoming?
After a brief overnight stay in a local hospital for snake bite treatment, Eric Ferguson was hit with a bill for \$89,227.... including \$80,000 for 4 doses of medication he found online for \$750 each. How could this happen?

[Hear Eric Ferguson tell his story.](#)

You can also watch Eric Ferguson's story on the Cato Institute [YouTube channel](#).

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"Just what the doctor ordered. We will be better off if it is widely read and discussed."
- **Jeffrey S. Flier, M.D.**, former dean, Harvard Medical School

“A detailed, useful, and timely diagnosis of what ails America’s health care system.”

-Michael Hiltzik, Pulitzer Prize-winning business columnist, Los Angeles Times

“Opened my eyes to how truly dysfunctional America’s health care system has become.”

- John Mackey, Founder and CEO, Whole Foods

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Why Americans Pay Too Much for Health Care

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America's health care system is badly broken. Subjecting health care to the same forces that apply to the rest of the economy will reduce costs and improve access for all. *Overcharged* provides the necessary prescription—the reforms our system desperately needs.

[Read/listen to excerpts]



A year after Dr. Paul Davis's daughter was given a urine test, she received the bill from a private lab (but had never received the results). The cost? \$17,850. For a urine test? Fearful that his daughter's credit rating would be harmed, he ultimately paid \$5000 out of his own pocket to settle the bill. Says Dr. Davis, a retired family physician, "it was price gouging of incredible magnitude." How can labs charge so much and get away with it?

[Hear Paul Davis tell his story.](#)

Praise for *Overcharged*

"Just what the doctor ordered. We will be better off if it is widely read and discussed."
- **Jeffrey S. Flier, M.D., former dean, Harvard Medical School**

"A detailed, useful, and timely diagnosis of what ails America's health care system."
-**Michael Hiltzik, Pulitzer Prize-winning business columnist, Los Angeles Times**

“Opened my eyes to how truly dysfunctional America’s health care system has become.”

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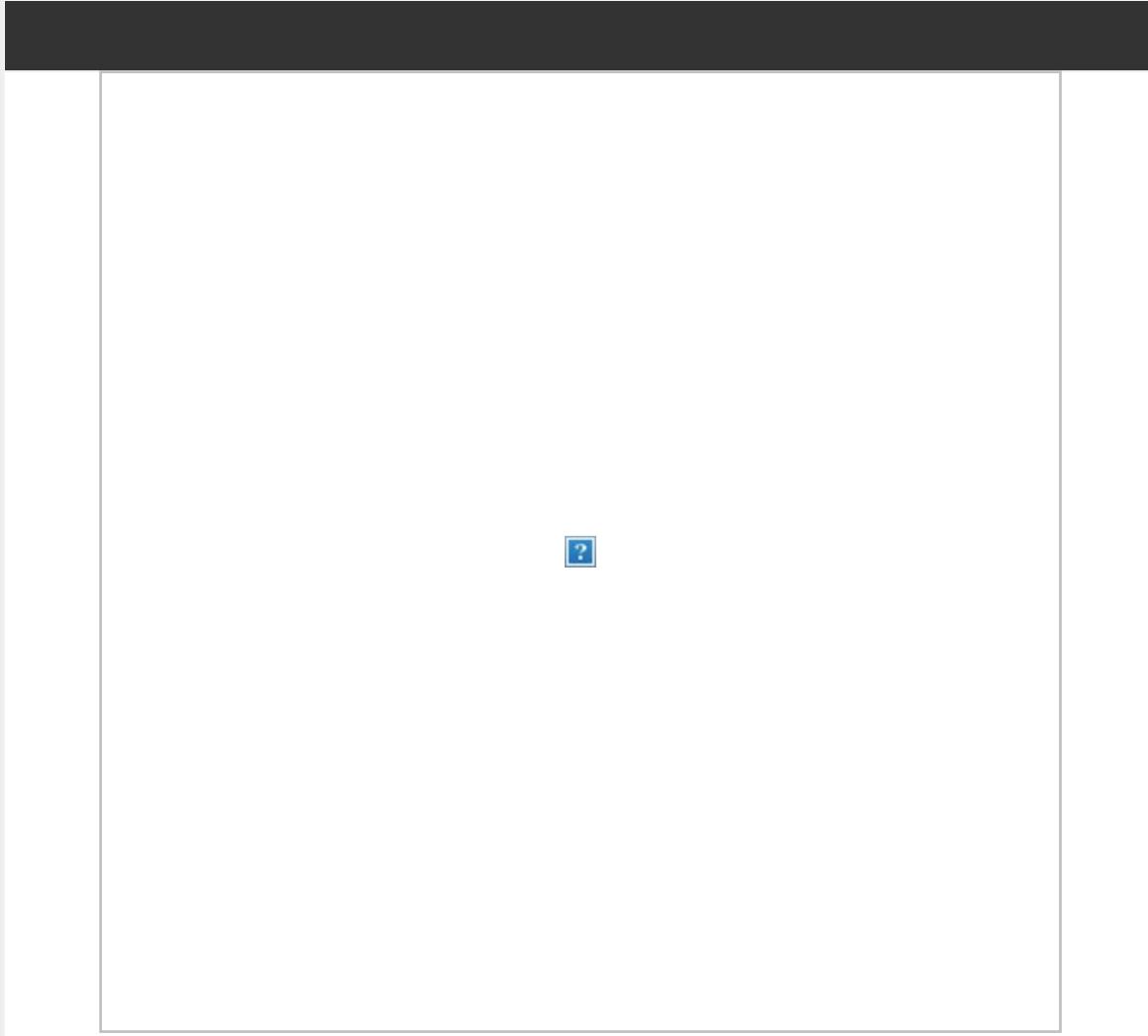


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In ***Lukewarming: The New Climate Science that Changes Everything***, Patrick Michaels and Chip Knappenberger explain the real science and spin behind the headlines and come to a provocative conclusion: climate change is real, partially man-made, but it is becoming obvious that far more warming has been forecasted than will occur. Global warming is more *lukewarm* than hot.



In conjunction with the bicentennial of Frederick Douglass's birth, the Cato Institute has published ***Frederick Douglass: Self-Made Man*** – providing a fresh look at Douglass's life and inspirational legacy. Born into slavery in 1818, Douglass rose to become one America's preeminent intellectuals and activists, who as a statesman, author, lecturer, and scholar helped lead the fight against slavery and racial oppression.

How has health care in America become so expensive and dysfunctional? Why are we faced with spiraling costs, mediocre quality, and limited access? Because America's health care system is not subjected to the same forces that apply to the rest of the economy. Applying those forces will reduce costs and improve access. ***Overcharged: Why Americans Pay Too Much For Health Care*** provides the necessary prescription—the reforms our system desperately needs.

In recent years, a consistent body of scientific literature has emerged that argues cogently for global warming but against the apocalyptic vision of climate change. ***Climate of Extremes: Global Warming Science They Don't Want You to Know*** illuminates the science we aren't being told – how the impact of global warming is far less severe than generally believed, how global warming is likely to be modest, and how there is no apocalypse on the horizon.



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Regulation Magazine



Summer 2018: Volume 41, No. 2

COVER STORY

How Labor Regulation Harms



Unskilled Workers

By Warren Meyer

Well-intentioned government rules to protect workers can have the exact opposite effect – damaging both job security and opportunities to advance.

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The ideological and political motivations for antitrust policy do not neatly fit the standard left/right dichotomy. *By Daniel A. Crane*

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Economists since Adam Smith have underestimated the welfare gains from free trade. *By Richard B. McKenzie*

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How can we push lawmakers to discard the legislative trash? *By David Schoenbrod*

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By Daniel Aaronson, Eric French, Isaac Sorkin, & Ted To. Research Briefs in Economic Policy No. 110. April 25, 2018.

Do Taxes Increase Economic Inequality? A

Comparative Study Based on the State Personal Income Tax

By Ugo Troiano. Research Briefs in Economic Policy No. 107. April 4, 2018.

Double for Nothing? Experimental Evidence on an Unconditional Teacher Salary Increase in Indonesia

By Joppe de Ree, Menno Pradhan, Halsey Rogers, & Karthik Muralidharan. Research Briefs in Economic Policy No. 105. March 21, 2018.

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by Jordi Blanes i Vidal and Giovanni Mastrobuoni.

Is Occupational Licensing a Barrier to Interstate Migration?

by Janna E. Johnson and Morris M. Kleiner.

Early Evidence on Recreational Marijuana Legalization and Traffic Fatalities

by Benjamin Hansen, Keaton S. Miller, and Caroline Weber.

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DETAILS & REGISTRATION

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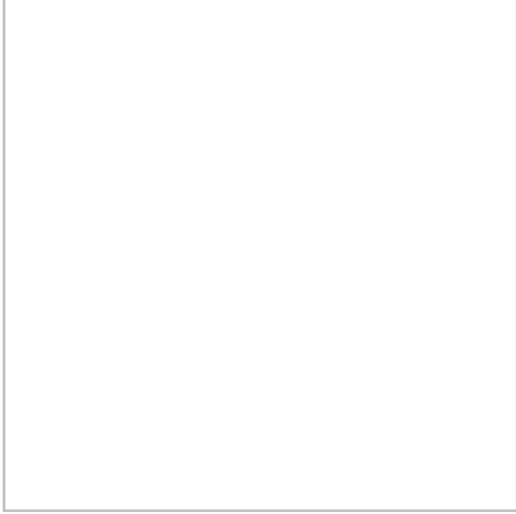
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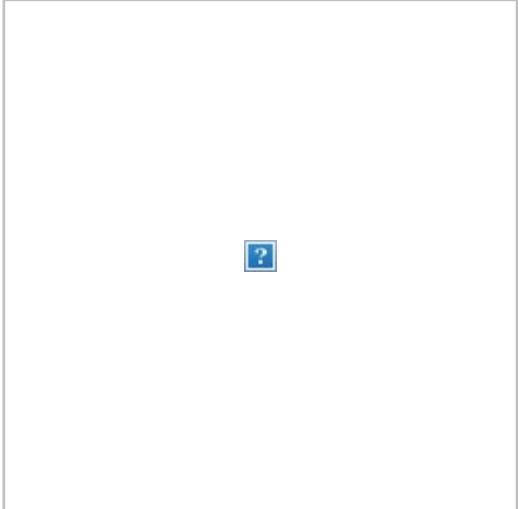
At the core of American history is the philosophical beliefs and values on which the republic was founded. Cato University's College of History and Philosophy brings these two powerful subjects together to explore the foundations of liberty and justice, of wealth and poverty, of individual rights and the rule of law.



Registration and information on the College of History and Philosophy program is available at Cato.org/Cato-University.



In addition to the compelling lectures from outstanding faculty, what makes this program truly unique is the atmosphere of friendship and respect in which participants can share their varying perspectives and form new and enduring friendships in a one-of-a-kind environment. We hope you will be able to join us this summer at the beautiful **Rancho Bernardo Inn**.



Not able to attend our History and Philosophy program in August? Sign up today to join us in **Boston, October 25-27, 2018** for **Cato University: College of Economics!**

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THE FINANCIAL CRISIS AND THE FREE MARKET CURE

Why Pure Capitalism Is The World Economy's Only Hope

Hailed by *Forbes* magazine as “one of the most important books of the year,” John Allison’s breakout bestseller ***The Financial Crisis and the Free Market Cure*** came as a much-needed wake-up call at a

time when capitalism itself was under fire. First released in 2013, it immediately became a classic in the field, acclaimed by business, academic, and policy leaders for its insights into the 2008 economic crisis and for the solutions it offered.

Now the book returns to the national spotlight with its recent release as part of McGraw-Hill's Business Classics series, in a special paperback edition that includes a comprehensive new introduction by the author.

Purchase The Book

The book details how:

- The Federal Reserve has even more power than before the Great Recession, adding significant risk to the financial system and slowing growth.
- Wall Street has been wrongly blamed for sluggish economic recovery.
- Federal regulations like Dodd-Frank have burdened banks—and stifled growth.
- The government continues to endanger and dominate the home-mortgage market through its ownership of Freddie Mac and Fannie Mae.
- Lower taxes, especially on business, typically drive faster growth in the economy but in the long term, the critical factor is government spending.
- Socialized medicine and entitlements drive up costs—and government policies exacerbate unemployment and income inequality.
- Free-market capitalism offers a proven cure for our economy—and the book explains how to make it work for all Americans.

Mad about Trade



With today's backdrop of volatile markets, threatened trade wars, attacks on globalization, unchecked government spending, and overreaching regulation, the book's analysis and guidance are more

essential than ever. “What have we learned from the recent financial crisis and the accompanying Great Recession, and how do we prevent the next crisis and recession?” asks Allison in his new Introduction. “Unfortunately, we have learned the wrong lessons . . . Markets did not fail, government policy failed.”

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ABOUT THE AUTHOR



John Allison is the retired President and CEO of the Cato Institute and retired Chairman and CEO of BB&T. He was named one of the decade's most successful CEOs by the *Harvard Business Review*.

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THE FINANCIAL CRISIS AND THE FREE MARKET CURE

Why Pure Capitalism Is The World Economy's Only Hope

Hailed by *Forbes* magazine as “one of the most important books of the year,” John Allison’s breakout bestseller ***The Financial Crisis and***

the Free Market Cure came as a much-needed wake-up call at a time when capitalism itself was under fire. First released in 2013, it immediately became a classic in the field, acclaimed by business, academic, and policy leaders for its insights into the 2008 economic crisis and for the solutions it offered.

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- Socialized medicine and entitlements drive up costs—and government policies exacerbate unemployment and income inequality.
- Free-market capitalism offers a proven cure for our economy—and the book explains how to make it work for all Americans.



With today's backdrop of volatile markets, threatened trade wars,

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ABOUT THE AUTHOR



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The Cato Institute invites you to a Conference

The Jones Act: Charting a New Course after a Century of Failure

Thursday, December 6, 2018 • 9:00AM – 5:00PM EST
Cato Institute, 1000 Massachusetts Ave., NW, Washington, D.C.

DETAILS & REGISTRATION

For nearly 100 years the Jones Act has restricted the transportation of cargo between two points in the United States to ships that are U.S.-built, crewed, owned, and flagged. Meant to bolster the U.S. maritime industry and provide a ready supply of ships and mariners in times of conflict, the act has instead presided over a steady deterioration in the number of ships, sailors to crew them, and shipyards to build them. While failing to provide its promised benefits, the law has imposed a huge economic burden that manifests itself in various ways, ranging from higher transportation costs to increased traffic and pollution. This full-day conference examines these costs in greater detail, discusses the validity of

the Jones Act's national security argument, and evaluates options for reform.

Session I: The Jones Act: A Burden America Can No Longer Bear

- **Daniel Griswold**, Senior Research Fellow & Co-Director of Trade and Immigration, Mercatus Center
- **Manuel Reyes**, Executive Vice-President/CEO, Puerto Rico Food Marketing, Industry and Distribution Chamber (MIDA)
- **Bryan Riley**, Director, Free Trade Initiative, National Taxpayers Union
- Moderator: **Colin Grabow**, Policy Analyst, Herbert A. Stiefel Center for Trade Policy Studies, Cato Institute

Session II: The Economic Costs of the Jones Act

- **James W. Coleman**, Professor, Dedman School of Law, Southern Methodist University
- **Jennifer Danner Riccardi**, Senior Trade Advisor, Delegation of the European Union to the United States
- **Ted Loch-Temzelides**, Professor of Economics, Rice University
- **Rockford Weitz**, Professor of Practice, Entrepreneur Coach & Director, Maritime Studies Program, The Fletcher School of Law and Diplomacy, Tufts University
- Moderator: **Daniel J. Ikenson**, Director, Herbert A. Stiefel Center for Trade Policy Studies, Cato Institute

Session III: National Security and the Maritime Industry

- **Steve Ellis**, Vice President, Taxpayers for Common Sense
- **Nick Loris**, Herbert and Joyce Morgan Fellow in Energy and Environmental Policy, Center for Free Markets and Regulatory Reform, Heritage Foundation
- **Robert Quartel**, CEO & Chairman, NTELX
- Moderator: **Christopher A. Preble**, Vice President, Defense and Foreign Policy Studies, Cato Institute

Session IV: Charting a New Course: Options for Jones Act Reform

- **Keli'i Akina**, President & CEO, Grassroot Institute of Hawaii
- **Thomas Grennes**, Professor of Economics Emeritus, North Carolina State University
- **Howard Gutman**, Former U.S. Ambassador to Belgium and Managing Director, the Gutman Group
- **Michael Hansen**, President, Hawaii Shippers Council
- Moderator: **Inu Manak**, Visiting Scholar, Herbert A. Stiefel Center for Trade Policy Studies, Cato Institute

This Cato Conference is free of charge.

To register to attend this event, click the button below and then submit the secure web form by 9:00 AM EST on Wednesday, December 5, 2018. If you have any questions pertaining to registration, you may e-mail events@cato.org.

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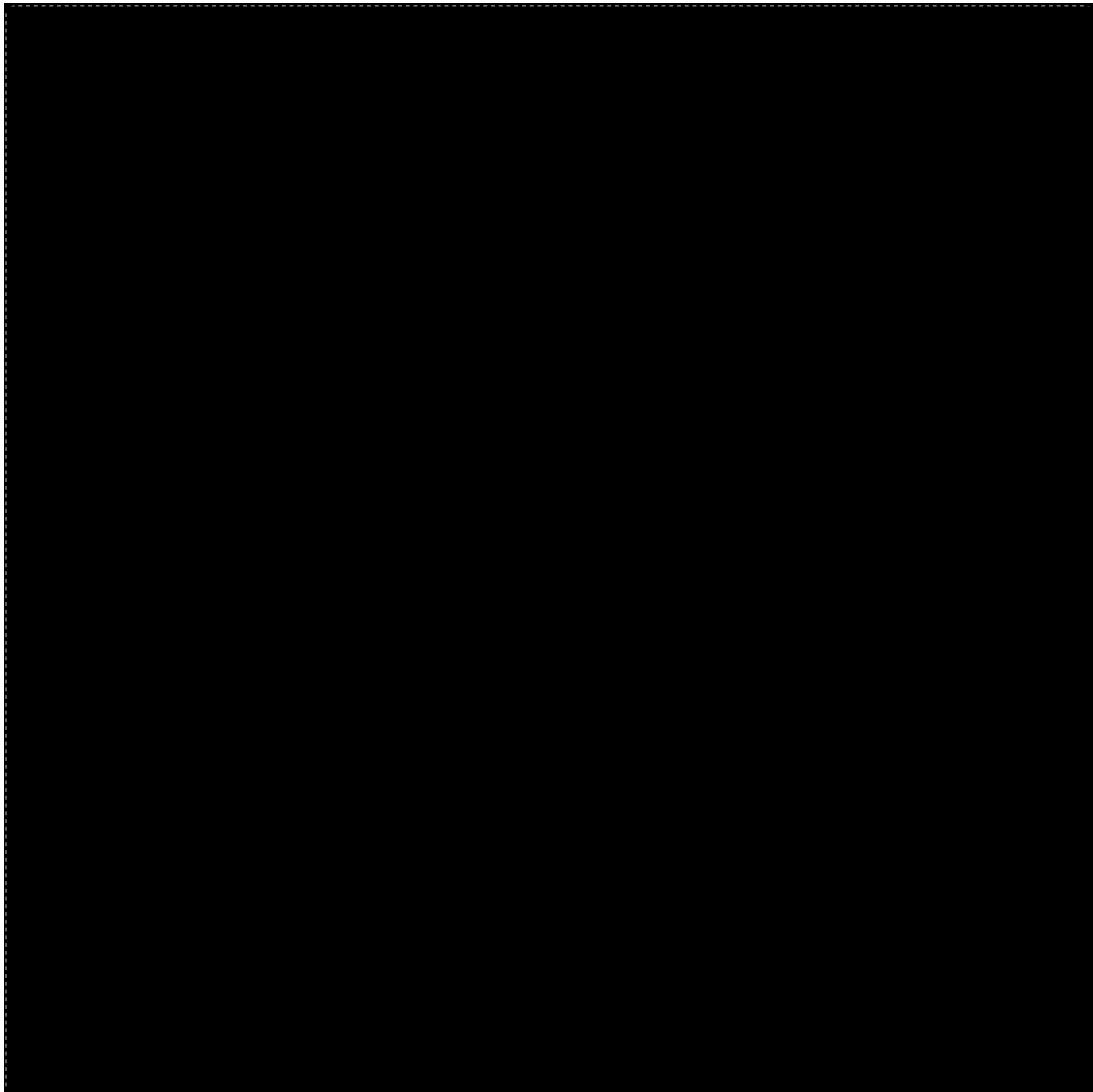
If you can't attend the event in person, watch it [live online](#) and join the conversation on Twitter using #EndTheJonesAct.

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Meet the Jones Act



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Regulation Magazine



Fall 2018: Volume 41, No. 3

COVER STORY

Peter Navarro's Conversion

By Pierre Lemieux



Economist Pierre Lemieux details the puzzling transformation of Trump trade adviser Peter Navarro from a one-time free-trader to being one of the chief architects of Trump's tariffs and protectionist policies.

FEATURES INCLUDE

The Land of Many Opportunity Costs

Constituent-group politics continue to dampen the public benefit from the federal estate. *By Gary D. Libecap*

Be a Shame If Anything Happened to Your Merger...

“Regulatory leveraging” can be a useful tool or it can be an abuse of power. *By William E. Kovacic and David A. Hyman*

Calm Down about Common Ownership

The evidence of anticompetitive harm from institutional investing is weak and the proposed policy solutions would be more harmful than the supposed problem. *By Thomas A. Lambert and Michael E. Sykuta*

The Regressive Effects of Child-Care Regulations

More strenuous requirements raise child-care prices but have little apparent effect on quality. *By Ryan Bourne*

Corporate Governance Oversight and Proxy Advisory Firms

Do proxy advisors have too much power? *By Ike Brannon and Jared Whitley*

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PAST ISSUES

Summer 2018

How Labor Regulation Harms Unskilled Workers

As government expands regulation of employers, they will increasingly turn to fewer, higher-skilled workers and automation. *By Warren Meyer*

Spring 2018

Putting 97 Million Households through the Wringer

By imposing “safeguard” tariffs, President Trump has delivered corporate welfare at the expense of American consumers. *By Pierre Lemieux*

Winter 2017/2018

Debunking the ‘Network Effects’ Bogeyman

Policymakers need to march to the evidence, not to slogans. *By David S. Evans and Richard Schmalensee*

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The Power of Trade

Policy experts at the Cato Institute's Herbert A. Stiefel Center for Trade Policy Studies focus a powerful light onto the enormous benefits of free trade and globalization, and on how an open, global economy has created a more prosperous, democratic and peaceful world.

Below are just a few of the resources immediately available for your use. We hope you'll take an opportunity to explore the wealth of materials – including podcasts, videos, research reports and special studies – Cato experts have crafted **on this vital subject**.

Cato Institute Project on Jones Act Reform

For nearly 100 years, the Jones Act has restricted water transportation of cargo between U.S. ports to ships that are U.S.-owned, crewed, registered, and built. This project is building the foundation for the repeal or reform of this outdated law. Follow the discussion at #EndTheJonesAct.

Cato Books: *Mad About Trade*

by Daniel Griswold

Nearly 10 years ago, the Cato Institute drew a powerful light onto the benefits of free trade with the publication of *Mad About Trade*. This classic work illuminates the myths and realities of free trade and demonstrates how an open, global economy has made America stronger. *Mad About Trade* is now available for **free reading and downloading** on the Cato website.

New White Paper **The Ideal U.S.-U.K. Free Trade Agreement: A Free Trader's Perspective**



The principles that should be reflected — as well as the substantive issues, elements, and provisions that should be included — in the ideal free trade agreement between the United States and the United Kingdom.

Regulation

In the new issue of Cato's *Regulation* magazine, economist Pierre Lemieux details the puzzling transformation of President Trump's trade adviser Peter Navarro from a staunch protector of free trade and markets to one of the chief architects of President Trump's tariffs and restrictive policies.



Explore Cato's Trade Policy Research



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To: [Leopoldo Miranda](#)
Subject: [EXTERNAL] U.S. Chamber's Small Business Master Class: Join us
Date: Thursday, April 5, 2018 2:48:10 PM

Leopoldo,

As means of introduction, I lead participant outreach for the U.S. Chamber of Commerce's [Small Business Series](#). In partnership with Chris Clark and the Georgia Chamber of Commerce, we're delighted to come to Atlanta for a convening of the city's top business leaders on June 5. **As an influencer in the community, we'd be delighted to have you join us for our Small Business Master Class: Atlanta** - you can register and learn more [here](#).

Part of our mission at the Chamber is to support small business, entrepreneurs, and innovators, and the work you're doing is tremendous. This Master Class will provide you with the unparalleled opportunity to network with like-minded entrepreneurs while also learning the tools to successfully grow your business in today's rapidly changing environment.

Click [here](#) to join us, and see below for a sneak peek on the topics we'll cover:

- **Scaling your business: Navigating the jump to growing your business by adding talent**
- **Cybersecurity: Understanding the top threats facing small businesses and learning how to protect your business**
- **Digital marketing: Using social media to its fullest effect in marketing your brand**
- **And many other topics affecting small businesses across the country, and particularly in the Atlanta metro area**

Additional details follow below. I hope to meet you in Atlanta on June 5, and please don't hesitate to write with any questions – or your RSVP! – in the interim.

Warmly,

Alex Thorne
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062

When:
Tuesday, June 5, 2018
8:00 am - 2:00 pm

Where:
[Mason Fine Art & Events](#) (415 Plasters Ave, Atlanta, GA 30324)

How to Register:
Click [here](#) to register.

[2018 Small Business Series Events:](#)

Dallas: April 4
Atlanta: June 5
Twin Cities: July 24
DC: October 3
Phoenix: November 14

Questions?

Contact our Small Business team at SBSeries@uschamber.com

If you do not want to receive future emails from The Small Business Series, go to: [Unsubscribe](#).

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Subject: [EXTERNAL] Why American Households Are The Losers in Trump's Tariff Fight - Now in The New Issue of Regulation
Date: Friday, April 13, 2018 10:19:00 AM

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Regulation Magazine



Spring 2018: Volume 41, No. 1

FROM THE COVER STORY
By Pierre Lemieux

The Trump administration has begun employing tariffs to protect American



corporations from foreign competition. The administration believes protectionism will make America great again, but a look at the numbers and history reveal the tax will place a considerable burden on American households in exchange for meager gains for a few businesses.

FEATURES INCLUDE

The Patent System at a Crossroads

A looming Supreme Court decision could either continue or reverse the erosion of intellectual property rights. *By Jonathan M. Barnett*

Miles to Go before We Sleep

Oil States is a fight over the use of administrative tribunals, not intellectual property rights. *By Jonathan Stroud*

If We Pay Football Players, Why Not Kidney Donors?

The risks are lower and the screening process more rigorous for kidney donors. *By Philip J. Cook and Kimberly D. Krawiec*

Handicapping Financial Reform

Will President Trump and new Fed chair Jerome Powell share an ambitious vision of reform? *By Charles Calomiris*

Regulating Banks by Regulating Capital

Instead of trying to block banks' ability to make foolish decisions, regulators should require that they have ample capital to pay off their creditors. *By Michael L. Davis*

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Winter 2017/2018

Debunking the ‘Network Effects’ Bogeyman

Policymakers need to march to the evidence, not to slogans. *By David S. Evans and Richard*



Fall 2017

Boston Takes a Pass on the Olympic Torch

Scholarly research does sometimes have a positive effect on public policy. *By Andrew Zimbalist*



Summer 2017

The “War” Against Chinese Restaurants

A century ago, laws and regulations were mustered to ward off a different immigrant “threat.” *By Gabriel J. Chin and John Ormonde*

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Subject: At the Cato Institute: Mario Vargas Llosa on Populism
Date: Thursday, October 26, 2017 3:34:32 PM

McLaughlin Lecture Series



The Cato Institute requests the pleasure of
your company at the McLaughlin Lecture

The Challenge of Populism

featuring
MARIO VARGAS LLOSA
2010 Nobel Laureate in Literature
President, International Foundation for Liberty

followed by a discussion with

ALVARO VARGAS LLOSA

and

GABRIELA CALDERÓN DE BURGOS

Wednesday, November 15, 2017

Remarks begin at 6:00PM
Reception to follow

Cato Institute
Hayek Auditorium
1000 Massachusetts Avenue N.W.
Washington, D.C.



Populism has become the main threat to liberty and liberal democracy around the world. Its appeal to nationalism and xenophobia afflicts rich and poor countries alike, and it builds its false promises on policies that ultimately aggravate social and economic problems. Mario Vargas Llosa will present a new book on populism (*El estallido del populismo*) and address its main themes, especially as they relate to Europe and the Americas. A discussion with Alvaro Vargas Llosa, editor of the book, and Gabriela Calderón de Burgos, contributor, will follow.

To register to attend this event, click the button above and then submit the secure web form by 4:00PM EST on Tuesday, November 14, 2017. If you have any questions pertaining to registration, you may e-mail events@cato.org.

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Available for Online Viewing

Cato Daily Podcast series on trade



Andrew Coulson's *School Inc.* takes viewers on a worldwide personal quest for an answer to the question—if you build a better way to teach a subject, why doesn't the world beat a path to your door?

Having first aired on PBS stations across the United States last year, ***School Inc.***, a recipient of the 2017 Anthem Film Festival's award for *Excellence in Filmmaking – Documentary Feature*, is available for free online viewing. With the increased focus and debates now emerging on a wide range of educational freedom issues, the series is as insightful and necessary as ever.

This three-part documentary is an examination of educational innovation and its struggle with the status quo. The series begins in a one-room schoolhouse in Massachusetts and continues across the globe to Chile, Sweden, South Korea, India, and back to the United States. It explores unfamiliar and often startling realities in the search for educational excellence. With its beautiful visuals, surprising twists, and energy, ***School Inc.*** takes you on a personal, highly insightful journey.

Watch School Inc. Now

Also available as a free download:

Educational Freedom: Remembering Andrew Coulson • Debating His Ideas

Though his life was cut tragically short in 2016, Andrew Coulson had a remarkable impact on education policy. As director of the Cato Institute's Center for Educational Freedom from 2005 to 2015, he consistently advocated for free-market reforms that would make schools more flexible, innovative, and responsive to parents and students. In this newly published volume, prominent education thinkers commemorate his legacy with explorations, expansions, and critiques of his ideas.



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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Book Forum - Crude Nation: How Oil Riches Ruined Venezuela, October 24
Date: Thursday, September 28, 2017 2:15:22 PM

[View this email in your browser](#)

Upcoming Event



The Cato Institute invites you to a Book Forum on Tuesday, October 24, 2017

Crude Nation: How Oil Riches Ruined Venezuela

(Potomac Books, 2016)

EVENT INFORMATION

Date: October 24, 2017

Time: 4:00PM - 5:30PM
(Reception to follow)

Cost: Free of charge

featuring the author
Raúl Gallegos, Senior Analyst, Control Risks

with comments by
Gustavo Coronel, Former Member, Board of Directors,
Petróleos de Venezuela (PDVSA)

moderated by
Juan Carlos Hidalgo, Policy Analyst, Latin America,
Center for Global Liberty and Prosperity, Cato Institute

RSVP to the event

In the past decade and a half, the government of Venezuela received over \$1 trillion in oil revenues, and yet the country is now suffering from a deep humanitarian crisis with its population struggling to feed itself. As a correspondent for Dow Jones and the *Wall Street Journal*, Raúl Gallegos witnessed first-hand how the mismanagement of oil riches during the rule of Hugo Chávez led to Venezuela's current misery. Gallegos will explain how oil has created perverse incentives in the political system, the business community, and among ordinary Venezuelans. Gustavo Coronel will offer his insights on what should be the future of the oil sector in a democratic Venezuela. Please join us for a timely discussion.

If you can't make it to the Cato Institute, watch this event live online and join the conversation on Twitter using #CatoEvents.

Follow [@CatoEvents](#) on Twitter to get future event updates, live streams, and videos from the Cato Institute.

Location:
Cato Institute
1000 Massachusetts Ave, NW
Washington, DC 20001 ([map](#))

Register by 4:00PM EDT on
Monday, October 23.

REGISTER

[America Abroad](#)



[Purchase Book](#)

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Additional Events:

Countering Violent Extremism: The Trump Era
October 4, 2017 • 10:00AM to 12:00PM

Afghanistan Going Forward: Surge, Negotiate, or Get Out?
October 10, 2017 • 10:30AM to 12:00PM

The Iran Nuclear Deal: Assessing the Impact of Decertification
October 10, 2017 • 3:30PM to 4:30PM

Architect of Prosperity: Sir John Cowperthwaite and the Making of Hong Kong
October 13, 2017 • 11:00AM to 12:30PM

Terror, Propaganda and the Birth of the “New Man”: Experiences from Cuba, North Korea, and the Soviet Union
October 16, 2017 • 11:00AM to 12:30PM

[\[More events\]](#)

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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Cato Analyzes Trump's Immigrant and Refugee Ban
Date: Tuesday, January 31, 2017 11:36:20 AM

[View this email in your browser](#)



Analyzing Trump's Immigrant & Refugee Ban



President Trump signed [an executive order](#) on Friday, January 27 that would ban all Syrian refugees and almost all refugees from all countries from entering the United States for six months, while cutting the overall annual limit for refugees in half and banning for at least 90 days all immigration from seven majority Muslim countries. It implies that this ban could continue indefinitely for certain countries. In the following pieces, Cato Institute scholars argue that these policies will not improve national security and will undermine America's efforts to combat Islamic extremism and terrorism around the world.

- [Five Reasons Congress Should Repeal Trump's Immigrant & Refugee Ban](#), by David Bier
- [Little National Security Benefit to Trump's Executive Order on Immigration](#), by Alex Nowrasteh
- [Trump's Immigration Ban Is Illegal](#), by David Bier
- [Terrorism and Immigration: A Risk Analysis](#), by Alex Nowrasteh
- [Refugees, Immigrants, and National Security](#), Cato Policy Forum

We hope you'll take an opportunity to visit the [Cato website](#) to view all of our content on this topic, and thank you for your continued interest in our work.

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paul_souza@fws.gov why did I get this email?

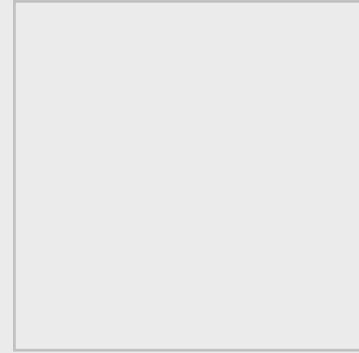
From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Cato by the Numbers - 2017 Year in Review
Date: Wednesday, January 3, 2018 10:38:51 AM

[View this email in your browser](#)

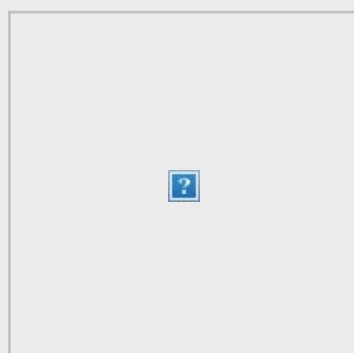
Cato Daily Podcast



In May, 2017, the Cato Institute celebrated its **40th anniversary**. Since its founding in 1977, the Cato Institute has made significant progress on a wide range of issues that impact our daily lives and the future of our country. To share some of the Institute's most notable accomplishments over the past four decades, visit our [timeline](#).



In 2017, the Cato Institute hosted over **90 public events** - including policy forums, books forums, conferences, and Capitol Hill briefings - that were attended in person and streamed online. The highest attended event was "**The Politics of Game of Thrones**" on August 28. To watch this and other past events, visit the [event archive](#).



Cato published **75 studies** in 2017 on an extensive range of issues and policies, including immigration, foreign policy, health care, free speech, taxes, and trade – including studies published as a part of Cato's Policy Analysis, White Papers, Research Briefs in Economic Policy, Survey Reports, Tax and Budget Bulletin, and Free Trade Bulletin series.



From the Cato Daily Podcast, Cato Out Loud, and the new foreign policy podcast Power Problems, to Free Thoughts, Liberty Chronicles, and Excursions from Libertarianism.org, the Cato Institute produced over **425 podcasts** in 2017.



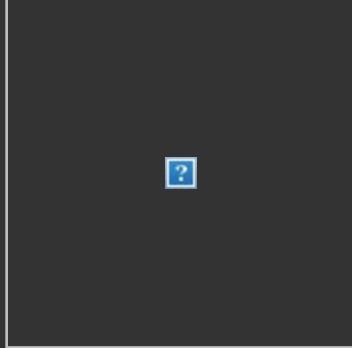
The most downloaded book of 2017 was Arnold Kling's *The Three Languages of Politics*, an accessible, precise, and insightful guide on how to lower the barriers coarsening our politics and political discourse published by Libertarianism.org, a project of the Cato Institute. You can find this and other 2017 titles at [Cato Store](#) and at [Libertarianism.org](#).



The Cato Institute Internship Program is one of the most sought-after student programs in the Washington, D.C. area. In 2017, Cato had 89 interns over 3 terms, 17 of whom were international students, and 3 are now full-time employees. For more information on Cato's internship program, [click here](#).



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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Cato Institute Research on the Drug War
Date: Friday, May 26, 2017 9:54:11 AM

[View this email in your browser](#)



Keeping you up-to-date on the latest research from the Cato Institute.

Four Decades and Counting: The Continued Failure of the War on Drugs



Proponents of drug prohibition claim that such policies reduce drug-related crime, decrease drug-related disease and overdose, and are an effective means of disrupting organized criminal enterprises. In a new Cato Policy Analysis, ***Four Decades and Counting: The Continued Failure of the War on Drugs***, Christopher J. Coyne and Abigail R. Hall analyze these claims, using tools and insights from economics, and explore the economics of prohibition and the veracity of proponent claims by analyzing data on overdose deaths, crime, and cartels.

The long federal experiment in prohibition of marijuana, cocaine, heroin, and other drugs has given us crime and corruption combined with a manifest failure to stop the use of drugs or reduce their availability to children. The Cato Institute has long been dedicated to ending the war on drugs. In addition to our latest Policy Analysis you can find more research on the drug war [here](#).

And learn even more about the war on drugs with a free ebook download of the

acclaimed Ted Galen Carpenter title, *The Fire Next Door*.



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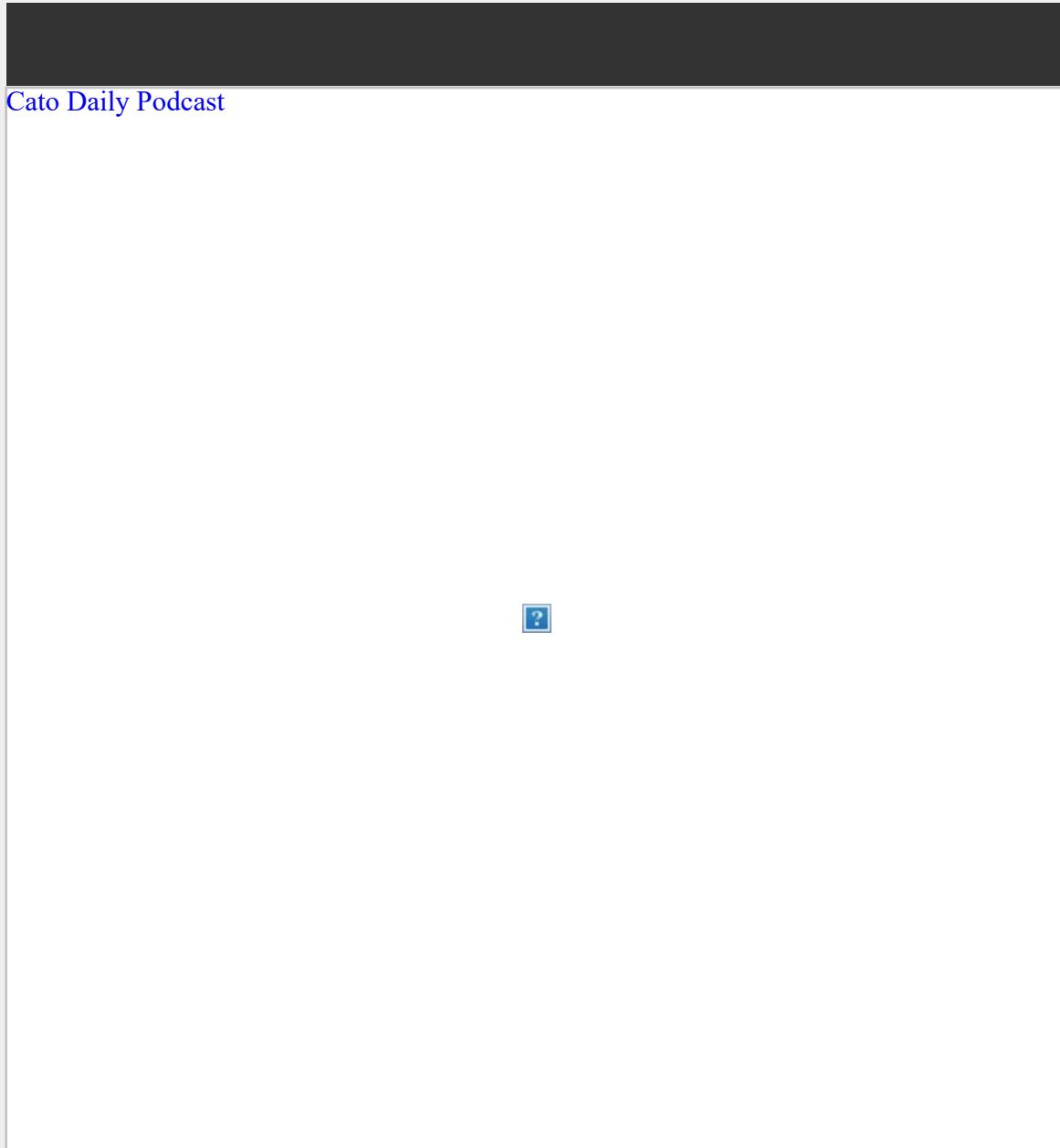


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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Cato Institute's State of the Union Video 2018
Date: Wednesday, January 31, 2018 9:31:26 AM



Watch the 2018 State of the Union Twitter Response Video



Last night, Cato scholars live tweeted the State of the Union Address. Watch this video to see our scholars' responses. Share your thoughts on Twitter with **#CatoSOTU**.



Cato Video



@CatoInstitute



Cato Multimedia

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Cato Institute · 1000 Massachusetts Ave NW · Washington, D.C. 20001 · USA

From: Cato Institute
To: paul_souza@fws.gov
Subject: Cato University is all new in 2017!
Date: Friday, March 3, 2017 3:53:00 PM

[View this email in your browser](#)



Advance Notice

Cato University is the Cato Institute's premier educational event of the year. This year, we've expanded the programming in order to make it more accessible to a wider audience. Rather than offering a single week-long program in the summer, a compact 3-day Cato University will now be offered several times during the year, each with a different focus. This will enable the programs to zero-in and offer comprehensive analyses of critical, multi-faceted issues at the center of individual liberty.

While the topics for each Cato University program will vary, the goal remains as always: to bring together outstanding faculty and participants from across the country and, often, from around the globe, who share a commitment to liberty and learning; and to provide participants an opportunity to form new and enduring friendships and perspectives in a one-of-a-kind environment.

Cato University College of Economics July 27–29, 2017 • Newport Beach, CA

Cato University's College of Economics is based on the conviction that economics shouldn't be limited only to specialists. Economics is a way of thinking, a tool for decision-making, and a basis for action. It's the necessary foundation for understanding government, business, and society generally.

Nobel Laureate Vernon Smith, top economics professors from Harvard University, Northwestern University, and scholars from the Cato Institute will solidify your expertise on the basics and core issues, and then help you apply those tools to today's most pressing

issues.

Topics will include:

- Adam Smith on Moral Sentiments and the Wealth of Nations
- The Economics of Liberty and Prosperity
- The Power of Incentives
- Spontaneous Orders
- The Economics of Cooperation and Coercion
- Rational Choice and Public Policy Analysis
- Environmental Economics
- The Economics of Trade and the Politics of International Trade
- The Economic Analysis of Social Policy
- The Economics of Knowledge

Cato University
College of History and Philosophy
October 26–28, 2017 • Philadelphia, PA

History is indispensable to understanding and defending liberty under our constitutionally limited, representative government. And at the core of that history is philosophy: the underlying beliefs and values that guided the American Founders in their creating a constitutional order of separated powers, checks and balances, and liberty. Cato University's College of History and Philosophy braids these two powerful subjects together to explore the history of liberty and justice, of wealth and poverty, of individual rights and the rule of law.

Details and Registration: Registration and additional information on this year's schedule and lecturers will soon be available at www.cato.org/cato-university and will be emailed to you once it is posted online.

If you have any questions about the 2017 program, please email **Brandi Dunn**. For registration information, please call 202-789-5203.



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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Cato's New Survey on the State of Free Speech in America Today
Date: Wednesday, November 1, 2017 5:02:10 PM

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Keeping you up-to-date on the latest research from the Cato Institute.

The State of Free Speech and Tolerance in America

71% of Americans Say Political Correctness Has Silenced Discussions Society Needs to Have, 58% Have Political Views They're Afraid to Share

Freedom of speech and First Amendment issues have taken on a growing, some might

even say unprecedented, importance and focus. In our personal lives, on campuses, in political discourse, in news coverage, during the national anthem at a football game, and more, freedom of speech has become a heated, multi-faceted issue.

Recognizing this, the Cato Institute recently conducted a comprehensive national survey to examine the current depth and width of the issue, which is **now available online in full**. The results provide a highly compelling portrait of the state of free speech in America today.

3

The **Cato 2017 Free Speech and Tolerance Survey**, a new Cato Institute national poll of 2,300 U.S. adults, finds that nearly three-fourths (71%) of Americans believe that political correctness has silenced important discussions our society needs to have.

The consequences, show the survey, are personal, impacting an individual's view of their own freedom of expression—58% of Americans, for example, believe the political climate prevents them from sharing their own political beliefs. Further, a solid majority (59%) of Americans think people should be allowed to express unpopular opinions in public, even those deeply offensive to others. On the other hand, 40% think government should prevent hate speech. Despite this, the survey also found Americans willing to censor, regulate, or punish a wide variety of speech and expression they personally find offensive.

Other report highlights include:

- 59% Americans oppose hate speech bans, but 79% say hate speech is morally unacceptable.
- Two-thirds (66%) say colleges aren't doing enough to teach the value of free speech.
- 65% say colleges should discipline students who shut down invited campus speakers.
- 63% of Republicans say journalists are an enemy of the American people.
- 58% of Democrats say employers should punish employees for offensive Facebook posts.
- 53% of Republicans support stripping citizenship from flag burners.

Americans also can't agree what speech is hateful, offensive, or simply a political opinion:

- 39% of conservatives believe it's hate speech to say the police are racist; only 17% of liberals agree.
- 80% of liberals say it's hateful or offensive to say illegal immigrants should be deported; only 36% of conservatives agree.
- 90% of liberals say it's hateful or offensive to say homosexuality is a sin, while 47% of conservatives agree.

"These data show why censoring offensive speech is difficult—Americans can't agree what speech is offensive or shouldn't be allowed," says Cato's Director of Polling Dr. Emily Ekins. "What is deeply offensive to one person may simply be a political opinion to another."

These data show that if we silence speech that any number of people find offensive, we will shut down a wide variety of important political debates."

[Read or download the survey here](#)



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paul_souza@fws.gov *why did I get this email?*

From: [Tyner, Jake](#)
To: ["todd.wynn@ios.doi.gov"](#); ["Melissa Beaumont@fws.gov"](#)
Subject: Chamber Letter of Support for A. Skipwith Nomination
Date: Thursday, November 15, 2018 10:51:29 AM
Attachments: [111818-Chamber Letter of Support-Skipwith Nomination.pdf](#)

Melissa, & Todd,

I wanted to pass along to you the attached letter from the Chamber to Chairman Barrasso and Ranking Member Carper, as well as the rest of the Senate EPW committee, in support of Aurelia Skipwith's nomination to be Director of the Fish & Wildlife Service. Please let me know if you have any questions.

Additionally, if you have time to chat on outreach sometime next week, I'd love to set up a call with you Todd. Please let me know if that is something you would be interested in.

Thanks!

Jake Tyner
Manager & Associate Policy Counsel
U.S. Chamber of Commerce | Global Energy Institute
W: 202-463-5344 | M: 202-853-2765
JTyner@USChamber.com | [LinkedIn](#)

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 15, 2018

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce supports the nomination of Aurelia Skipwith to be Director of the Fish and Wildlife Service (FWS) at the U.S. Department of the Interior (DOI). Ms. Skipwith is highly qualified to serve in this role and we look forward to the Senate Environment and Public Works Committee advancing her nomination to the full Senate for confirmation.

Ms. Skipwith has a distinguished career as a public servant and is an expert on fish, wildlife, and natural habitat policy and regulation. Ms. Skipwith currently serves as DOI's Deputy Assistant Secretary for Fish, Wildlife, and Parks, and has worked closely with stakeholders to provide appropriate guidance for implementing sound federal policy regarding the management and conservation of public lands and wildlife. She has also worked for the U.S. Department of Agriculture and U.S. Agency for International Development.

In addition, Ms. Skipwith's experience in the private and non-profit sectors has provided her with the knowledge and expertise to implement federal policy objectives. For example, prior to her time at DOI, she founded an agricultural value chain platform that united small farmers and multinational buyers with the tools needed to meet the growing demand for food.

Ms. Skipwith's confirmation would provide FWS with the key leadership and experience needed at DOI to manage important federal policies. As such, we urge you to swiftly act on Ms. Skipwith's nomination.

Sincerely,



Neil L. Bradley

cc: Members of the Senate Environment and Public Works Committee

From: [Peter Goettler](#)
To: paul_souza@fws.gov
Subject: Double Your Money with a Gift to Cato
Date: Tuesday, November 28, 2017 5:24:32 AM

This Giving Tuesday, I hope you will consider making a gift to advance liberty by supporting the work of the Cato Institute. My wife Cynthia and I believe there is no more important mission than making sure we hand our children and grandchildren a country that's as free as the one that was given to us. It will be a shameful legacy indeed if we leave future generations buried under mountains of debt, with a government so big and intrusive it keeps them from achieving their dreams.

From criminal justice reform to reining in the surveillance state, Cato's work on civil liberty issues is a hallmark of our efforts to redirect the course of our country.

We're confident that Cato has a decisive role to play in winning this fight which is why **we're going "all in" and will personally match the first \$100,000 in charitable gifts that are made today** to support the Cato Institute by [clicking here](#).

Not only that, in honor of Cato's 40th anniversary, you can become a Cato Sponsor for a special anniversary price of only \$40.

Today's the day! Receive all the benefits of becoming a Cato Sponsor AND double your charitable donation while advancing the cause of liberty. As a new Sponsor, I know you'll appreciate being the first to hear about Cato's activities, receive the *Cato Policy Report*, Sponsor-only communications, and invitations to special events.

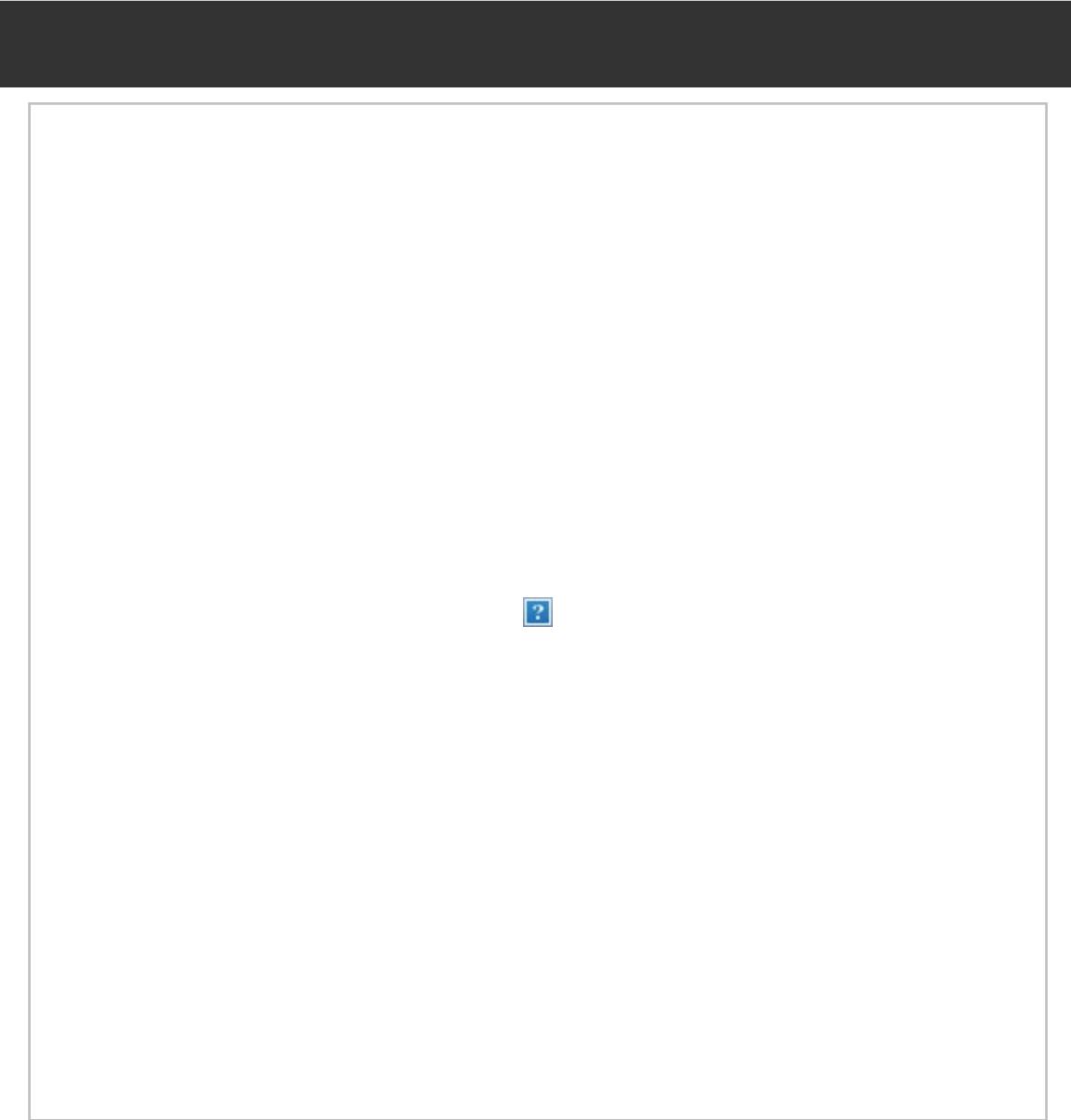
I look forward to standing beside you in the fight for liberty.

Peter

Peter N. Goettler
President and CEO
Cato Institute

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From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Download and Read the 2017 Human Freedom Index
Date: Thursday, January 25, 2018 4:43:53 PM





The *Human Freedom Index*, [now available free online](#), is the most comprehensive measure of freedom ever created for a large number of countries around the globe. The *Index* presents the state of human freedom in the world based on a broad group of measures, including personal, civil, and economic freedom, as well as freedom of movement, women's freedoms, crime and violence, and legal discrimination against same-sex relationships.

Because freedom is so vital and plays such a critical role in human progress, it is worth measuring closely and accurately. The *Human Freedom Index* helps clarify relationships between freedom and other social and economic phenomena, and illustrates how the various facets of freedom interact with one another.

The index, co-published by the Cato Institute, the Fraser Institute in Canada, and the Liberales Institut at the Friedrich Naumann Foundation for Freedom in Germany, ranks 159 countries based on 79 distinct indicators using data from 2008 to 2017, the most recent year for which sufficient data are available.

The authors - [Ian Vásquez](#), director of the Cato Institute's Center for Global Liberty and Prosperity, and [Tanja Porcnik](#), a Cato Institute adjunct scholar and president of the Visio Institute based in Slovenia - also measure the rule of law, which they consider "an essential condition of freedom that protects the individual from coercion by others."

"In many parts of the world, freedom is under assault, with nationalism, populism, and hybrid forms of authoritarianism being sold as viable alternatives," Porcnik states. "The good news is that freedom has taken root in a diverse set of societies, and it is also spreading in numerous countries around the globe."

Countries that have high personal freedom tend to exhibit high economic freedom. In addition, the authors find a strong correlation between human freedom and democracy. "The evidence speaks clearly: Freedom in all its dimensions plays a central role in human progress," concludes Vásquez.

[Download the Human Freedom Index today](#)

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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Frederick Douglass: Self-Made Man Now Available Nationwide
Date: Wednesday, March 7, 2018 2:31:38 PM

[View this email in your browser](#)



NOW AVAILABLE NATIONWIDE

As the nation pauses to remember Frederick Douglass on the bicentennial of his birth, the Cato Institute is proud to publish a new biography

Frederick Douglass: Self-Made Man. Timothy Sandefur's insightful and compelling new book offers a fresh



look at Douglass's life and inspirational legacy.

Born into slavery in 1818, Frederick Douglass rose to become one America's preeminent intellectuals and activists, who as a statesman, author, lecturer, and scholar helped lead the fight

against slavery and racial oppression.

Unlike many other leading abolitionists, Douglass embraced the U.S. Constitution, believing it to be an essentially anti-slavery document that guarantees that individual rights belong to all Americans, of all races. Further, in his most popular lecture, "Self-Made Men," Douglass spoke of people who rise through their own effort and devotion rather than through the circumstances of privilege. "Personal independence is a virtue," declared Douglass in this lecture, "but there can be no independence without a large share of self-dependence, and this virtue cannot be bestowed." Embodying his beliefs, Douglass taught himself to read, then taught himself the principles of political philosophy, and then rose through his own efforts to become one of the nation's foremost intellectuals. A remarkable self-made man.

Frederick Douglass: Self-Made Man provides us with a sharply focused view into the mind and life of one of America's greatest thinkers.

"From Timothy Sandefur's elegantly written new biography, the reader gains a profound education in the life and thought of Frederick Douglass, one of the most heroic and insightful champions of liberty in this or any nation's history. For a concise introduction to the greatness of Douglass, one could do no better than to read this book."

-Peter C. Myers, Author of *Frederick Douglass: Race and the Rebirth of American Liberalism*.

About the Author

Timothy Sandefur is vice president for litigation at the Goldwater Institute and an adjunct scholar at the Cato Institute. He previously served as a litigator at the Pacific Legal Foundation, where he won important victories for economic liberty and property rights in states across the nation. He is the author of four previous books: *Cornerstone of Liberty: Property Rights in 21st Century*, *The Conscience of the Constitution*, *The Permission Society*, and *The Right to Earn a Living: Economic Freedom and the Law*.



Available at [Cato.org](#), [Amazon](#), [Barnes & Noble](#), and bookstores nationwide

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paul_souza@fws.gov *why did I get this email?*

From: [Tyner, Jake](#)
To: ["todd_wynn@ios.doi.gov"](mailto:todd_wynn@ios.doi.gov)
Cc: ['Melissa_Beaumont@fws.gov'](mailto:Melissa_Beaumont@fws.gov)
Subject: FW: Chamber Letter of Support for A. Skipwith Nomination
Date: Thursday, November 15, 2018 10:56:47 AM
Attachments: [111818-Chamber Letter of Support-Skipwith Nomination.pdf](#)

Todd –

Please see the below message. I seem to have written down your email wrong.

Thanks!

Jake

From: Tyner, Jake
Sent: Thursday, November 15, 2018 11:51 AM
To: 'todd.wynn@ios.doi.gov' <todd.wynn@ios.doi.gov>; 'Melissa_Beaumont@fws.gov'
<Melissa_Beaumont@fws.gov>
Subject: Chamber Letter of Support for A. Skipwith Nomination

Melissa, & Todd,

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Thanks!

Jake Tyner
Manager & Associate Policy Counsel
U.S. Chamber of Commerce | Global Energy Institute
W: 202-463-5344 | M: 202-853-2765
JTyner@USChamber.com | [LinkedIn](#)

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 15, 2018

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

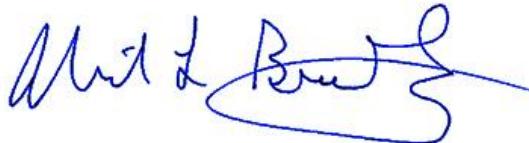
The U.S. Chamber of Commerce supports the nomination of Aurelia Skipwith to be Director of the Fish and Wildlife Service (FWS) at the U.S. Department of the Interior (DOI). Ms. Skipwith is highly qualified to serve in this role and we look forward to the Senate Environment and Public Works Committee advancing her nomination to the full Senate for confirmation.

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In addition, Ms. Skipwith's experience in the private and non-profit sectors has provided her with the knowledge and expertise to implement federal policy objectives. For example, prior to her time at DOI, she founded an agricultural value chain platform that united small farmers and multinational buyers with the tools needed to meet the growing demand for food.

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Sincerely,



Neil L. Bradley

cc: Members of the Senate Environment and Public Works Committee

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Join us in New Orleans for Cato University College of Law
Date: Tuesday, January 30, 2018 5:35:32 PM

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Subject: Lesser long-nosed bat
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Greg:

I thought this article (<http://dailysignal.com/2017/11/08/the-curious-recovery-of-the-threatened-lesser-long-nosed-bat/>) would be of interest you.

Best,

Rob

Robert Gordon
Senior Research Fellow
Institute for Economic Freedom
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6072
heritage.org

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Lessons for US foreign policy from the failed war on terror
Date: Tuesday, July 11, 2017 12:53:36 PM

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In the wake of the September 11, 2001 terrorist attacks, the United States launched an international war on terrorism, largely composed of military intervention, nation building, and efforts to reshape Middle East politics. It is now abundantly clear that this strategy has destabilized the Middle East while doing little to protect the United States from terrorism.

In a new Cato Institute research report, ***Step Back: Lessons for U.S. Foreign Policy from the Failed War on Terror***, A. Trevor Thrall and Erik Goepner argue that the War on Terror failed and provide alternative strategies for the United States, including an imperative to push regional partners to confront terrorist groups abroad, and a greater emphasis on intelligence and law enforcement for combating the threat against the American homeland.

You can access the *Step Back* report for free in the following formats:

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Cato Live



Live Online Today at Noon (Eastern):

Can Tax Cuts Spur Economic Growth?

Watch the event live online and join the conversation on Twitter using **#CatoTax**.

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Speakers include:

- **Kevin Hassett**, Chair, White House Council of Economic Advisers
- **Donald Marron**, Institute fellow and Director of Economic Policy Initiatives, Urban Institute
- **William McBride**, Manager, National Economics and Statistics, PriceWaterhouseCoopers
- **Ryan Bourne**, R. Evan Scharf Chair for the Public Understanding of Economics, Cato Institute

Republicans in Congress are working on legislation for major tax reform. Their plan would cut the corporate tax rate and simplify individual income taxes by trimming deductions and reducing rates. Republicans and many economists argue that such reforms would boost the economy and substantially raise wages. Other economists have doubts about the proposed changes, given our large budget deficit and the apparently healthy economy.

What will be the impact of tax reform on output, investment, and wages? Which corporate and individual reforms are most likely to spur growth? Kevin Hassett will address these questions in an interview, and the panel will comment on the economics of tax reform and the current legislation moving through Congress.



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[Cato Daily Podcast](#)





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Power Problems is a bi-weekly foreign affairs podcast offering fresh, skeptical, and compelling takes on U.S. foreign policy. Each episode focuses on big questions in foreign policy and international security with guests from across the political spectrum. Energetic and not afraid of controversy, this is an indispensable podcast. Listen to *Power Problems* at [Cato.org](#) or subscribe through:

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Cato Institute



Now in its eighth edition, the **Cato Handbook for Policymakers** — with 80 chapters of in-depth analysis and concrete recommendations — sets the standard in Washington for reducing the power of the federal government and expanding freedom.

From chapters on reviving growth, health

Cato Handbook

care reform and the war on drugs, to education, foreign policy and the military budget, Cato's *Handbook* is an invaluable resource for policymakers and for anyone interested in securing liberty and limiting government.

The *Cato Handbook for Policymakers* is available for free at Cato.org/handbook.



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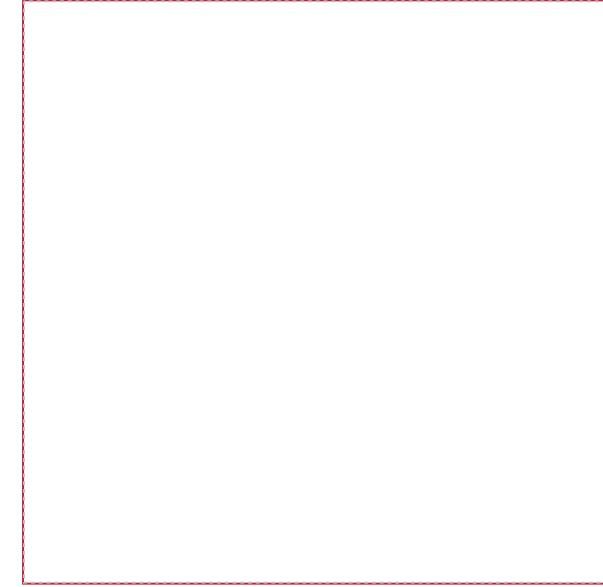
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Date: Friday, November 10, 2017 3:50:55 PM



Now in its 16th year, the acclaimed **Cato Supreme Court Review** brings together leading legal scholars to analyze the most important cases of the Court's most recent term and preview the year ahead. It is the first scholarly review to appear after the term's end and the only one to critique the court from a Madisonian perspective.



This year's edition looks at the Supreme Court's recent decisions involving offensive speech (*Matal v. Tam*), the First Amendment (*Packingham v. North Carolina*), religious liberty (*Trinity Lutheran Church v. Comer*), property rights

(*Murr v. Wisconsin*), presidential appointments (*NLRB v. S.W. General*), insider trading (*Salman v. U.S.*), wrongful convictions (*Nelson v. Colorado*), and commercial speech (*Expressions Hair Design v. Schneiderman*).

The Review also includes an exploration of state constitutions as safeguards of liberty, and a preview of the 2017-2018 Supreme Court term.

Buy the paperback or ebook now!

You can also purchase previous editions of the *Cato Supreme Court Review* for \$5 by visiting the Cato Store.

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Date: Tuesday, September 19, 2017 3:15:08 PM

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The United States maintains a veritable empire of military bases throughout the world—about 800 of them in more than 70 countries. This forward-deployed military posture incurs substantial costs and disadvantages, exposing the United States to vulnerabilities and unintended consequences. The strategic justifications for overseas bases—that they deter adversaries, reassure allies, and enable rapid deployment operations—have lost

much of their value and relevance in the contemporary security environment.

In **Withdrawing from Overseas Bases**, John Glaser, Cato's Director of Foreign Policy Studies, argues that, in the absence of a major peer competitor, and in an era of low security threats, the policy of maintaining a constant worldwide overseas military presence is unwise. The United States should withdraw its permanent peacetime military presence abroad and abandon its forward-deployed posture in Europe, the Middle East, and Asia.

You can access the *Withdrawing from Overseas Bases* report for free in the following formats:

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Subject: New Issue of Cato Journal
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New issue of the Cato Journal

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Volume 38, Number 1, Winter 2018

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With the recent government shutdown and tax reform bill, both monetary and fiscal policy have been foremost on the American public's minds. **This edition of Cato Journal** features a number of works by leading scholars in both of these fields as well as in educational, environmental, and public health policy. Consider with them the welfare state, school choice, food labeling, greenhouse gas initiatives, and many more fascinating topics in policy debate today.

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New issue of the Cato Journal

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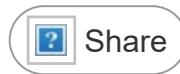


[New Issue: Volume 37, Number 3, Fall 2017](#)



Immigration was the most distinctive policy issue debated in the 2016 presidential election — it dominated the election in sharp contrast to every other election in U.S. history, where it was generally a minor concern. *The new issue of Cato Journal*, devoted completely to the economics of immigration, brings together leading scholars on the issue. Our hope is that this research will help cool some of the emotions and shed light on the facts of this important policy debate.

Click here to view the latest issue of *Cato Journal* or to subscribe to the print edition.



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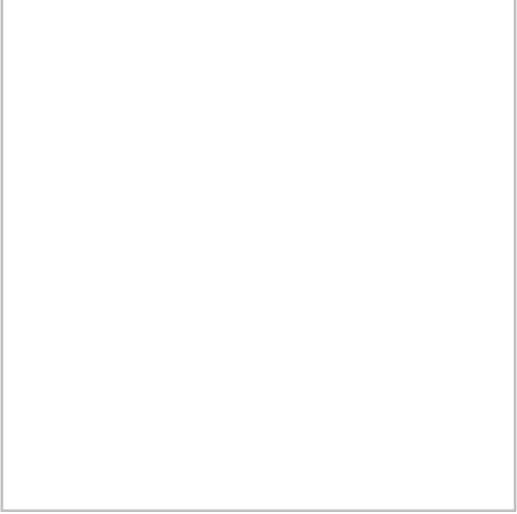
Regulation



Winter 2017/2018: Volume 40, No. 4

FROM THE COVER STORY

With the rise of Internet and social media behemoths, “network effects” – the market phenomenon of when a service gains more users and its value increases –



is often accused of inducing monopolies. In "Debunking the 'Networking Effects' Bogeyman", David S. Evans and Richard Schmalensee dismantle a wide range of misconceptions and demonstrate how the Internet's ever-changing capabilities keep competition thriving.

[READ THE COVER STORY](#)

FEATURES INCLUDE

Suffer the Little Children

By Timothy Sandefur

Risky Business: Should the FDA Pay Attention to Drug Prices?

By David A. Hyman and William E. Kovacic

The Concentration and Persistence of Health Care Spending

By Tom Miller

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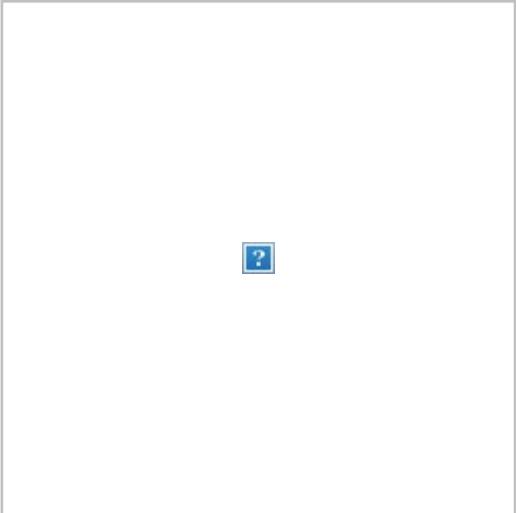
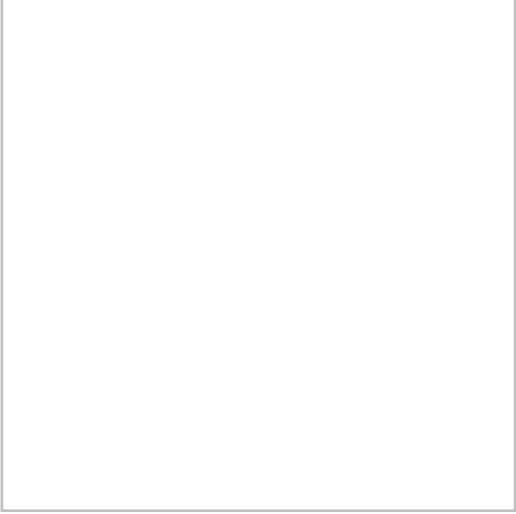
The State of Free Speech and Tolerance in America



The **Cato 2017 Free Speech and Tolerance Survey**, a new national poll of 2,300 U.S. adults, finds that nearly three-fourths (71%) of Americans believe that political correctness has silenced important discussions our society needs to have. The consequences are personal – 58% of Americans believe the political climate prevents them from sharing their own political beliefs. “These data show why censoring offensive speech is difficult—Americans can’t agree what speech is offensive or shouldn’t be allowed,” said Cato’s Emily Ekins. “What is deeply offensive to one person may simply be a political opinion to another...[I]f we silence speech that any number of people find offensive, we will shut down a wide variety of important political debates.”

**Border Patrol Termination Rates:
Discipline and Performance Problems
Signal Need for Reform**

The Trump administration wants to hire 5,000 new U.S. Border Patrol agents -a 25% increase to roughly 20,000 current agents- in addition to filling about 1,500 job vacancies. Congress will likely lower hiring standards to help reach that staffing



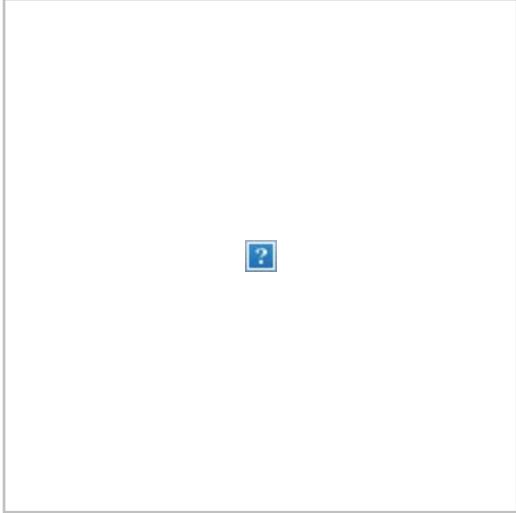
goal. Given current disciplinary problems, however, they should instead seek internal reform to safeguard against further inefficiency in the federal government's largest law enforcement agency.

The Coming Transit Apocalypse

Across the nation, transit agencies are in financial trouble as ridership declines and costs rise. But these troubles merely foreshadow the real problems the transit industry will face in the next few years. Randal O'Toole argues that transit agencies should stop wasting money on expensive and noncompetitive transit services and focus on providing basic, cost-effective services for those who need transit the most while putting their economic houses in order by reducing maintenance backlogs, debts, and unfunded obligations.

Listen Now

Power Problems is a bi-weekly podcast from the Cato Institute. Hosts Trevor Thrall and Emma Ashford offer a skeptical take on U.S. foreign policy, and discuss today's big questions in international security with guests from across the political spectrum. [Subscribe](#) and listen online — and follow the conversation on Twitter with the hashtag [#FPPowerProblems](#).



Other Cato Institute Research

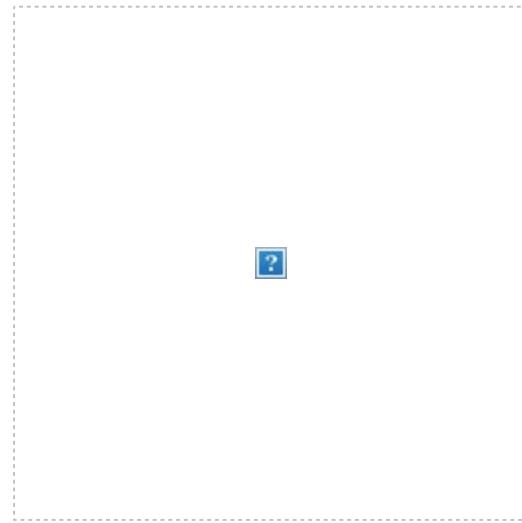
Low-Income Housing Tax Credit: Costly, Complex, and Corruption-Prone

Where's the Beef? Finding a Better Way to Resolve U.S.-China Trade Conflicts

The Internet, Political Polarization, and the 2016 Election



Cato Journal
Volume 37, Number 3, Fall 2017



REGULATION
Volume 40, Number 3, Fall 2017



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Keeping you up-to-date on the latest research from the Cato Institute.

Unforced Error: The Risks of Confrontation with Iran



President Donald Trump has opted to "decertify" the Iran nuclear deal, declaring the agreement not in US interests. **A new paper** from Cato scholars Emma Ashford and John Glaser examines the costs of four confrontational policy approaches to Iran: sanctions, regional hostilities, "regime change from within," and direct military action. The authors argue that engagement offers a far better chance than confrontation and isolation to improve Iran's foreign policy behavior and empower moderate groups inside Iran in the long term.

Read the paper on Cato.org. **Watch** a video of the authors discussing their paper.

Responsible Stakeholders: Why the United States Should Welcome China's Economic Leadership

The Trump administration's decision to abandon the Trans-Pacific Partnership (TPP) coincides with China's interest in playing a more prominent role in advancing trade and economic integration in the Asia-Pacific region. This has raised concerns in Washington that such efforts

will come at U.S. expense. In [a new paper](#), Cato scholar Colin Grabow argues that these concerns are overwrought.

Wall Street vs. The Regulators: Public Attitudes on Banks, Financial Regulation, Consumer Finance, and the Federal Reserve

A new [Cato Institute 2017 Financial Regulation national survey](#) of 2,000 U.S. adults finds that Americans distrust government financial regulators as much as they distrust Wall Street. And nearly half have “hardly any confidence” in either.

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Power Problems is a bi-weekly podcast from the Cato Institute. Hosts Trevor Thrall and Emma Ashford offer a skeptical take on U.S. foreign policy, and discuss today's big questions in international security with guests from across the political spectrum. [Subscribe](#) and listen online — and follow the conversation on Twitter with the hashtag [#FPPowerProblems](#).



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Cost of Service Regulation in U.S. Health Care: Minimum Medical Loss Ratios

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Keeping you up-to-date on the latest research from the Cato Institute.

**Step Back: Lessons for U.S. Foreign Policy from the Failed War
on Terror**

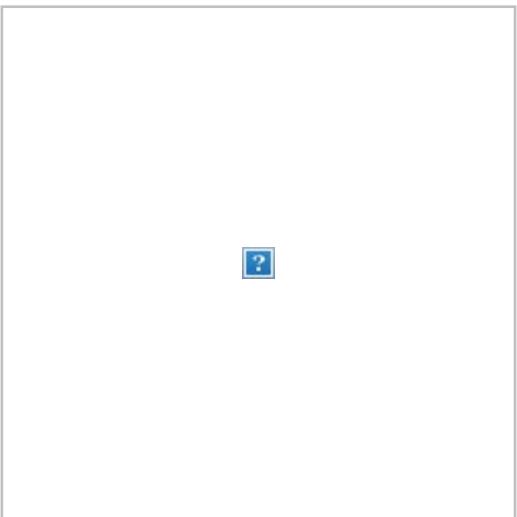


In the wake of the terrorist attacks of September 11, 2001, the United States launched an international war on terrorism defined by military intervention, nation building, and efforts to reshape the politics of the Middle East. As of 2017, however, it has become clear that the American strategy has destabilized the Middle East while doing little to protect the United States from terrorism. In a new paper, A. Trevor Thrall and Erik Goepner argue that it is time for the United States to take a different approach.

You can **read** the paper at Cato.org or click **here** to listen to the audio version.

Commercial Speech and the Values of Free Expression

Commercial speech has become one of the most litigated and controversial areas of First Amendment protection. Yet the question of protecting such speech should not be in doubt. Martin H. Redish argues that it is time for the Supreme Court to expressly acknowledge that commercial speech properly stands on an equal footing with all other kinds of expression



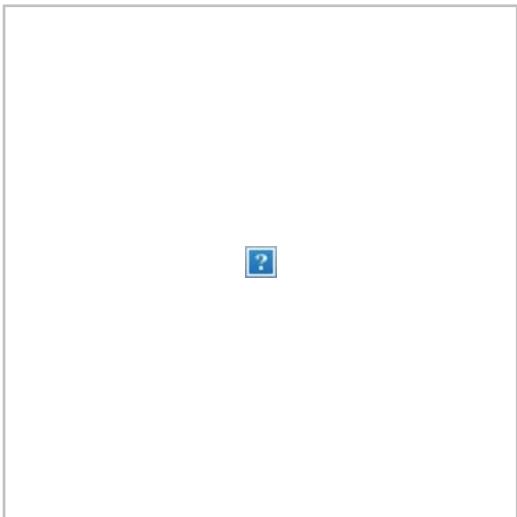
given full protection by the First Amendment.

Would More Government Infrastructure Spending Boost the U.S. Economy?

President Trump has promised to induce \$1 trillion of new public and private investment in infrastructure over the next decade. He believes that strategy will be beneficial both for short-run, macroeconomic reasons and for long-run, microeconomic reasons. A new paper from Ryan Bourne assesses both sets of reasoning, and finds that the case for more government investment is significantly weaker than commonly asserted.

Listen Now

Libertarianism.org, a project of the Cato Institute, has inaugurated a new podcast series – *Liberty Chronicles*. This weekly podcast, hosted Dr. Anthony Comegna, examines libertarian perspectives on events (past and present) and provides listeners with insights into their own perceptions and expectations of *why the world is the way it is*. From high theory to history from below, *Liberty Chronicles* offers a fresh take on the history of our modern world and the libertarian's place within that story.



Other Cato Institute Research

Who Owns U.S. Infrastructure?

Do Corporate Taxes Hinder U.S. Innovation?

With a Little Help from My Friends: The Effects of Naloxone Access and Good Samaritan Laws on Opioid-Related Deaths



Cato Journal

**Volume 37, Number 2, Spring/Summer
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Keeping you up-to-date on the latest research from the Cato Institute.

Not Just Treading Water: In Higher Education, Tuition Often Does More than Replace Lost Appropriations

No one disputes that the sticker price of college has been rising at a very fast clip for decades. What analysts disagree



about is why. Neal McCluskey argues that a popular “culprit”—the decline in direct public support for colleges and universities—is problematic, and likely distorted by the availability of federal student aid.



Into the Abyss: Is a U.S.-China Trade War Inevitable?

Never have the U.S. and Chinese economies been more interdependent than they are today. Yet, with Donald J. Trump ascending to power on a platform of nationalism and protectionism, never have the stars been so perfectly aligned for the relationship to descend into a devastating trade war.



Deep Racial Divide in Perceptions of Police and Reported Experiences, No Group Is Anti-Cop

At first glance Americans appear satisfied with their local law enforcement. However, below the surface reside many stark differences in attitudes toward the police across race/ethnicity, age, education, income, and ideological lines. Emily Ekins finds deep partisan and racial divides in perceptions of police efficacy, impartiality, integrity, empathy, tactics, and accountability.

Available Now

Fidelity to our founding principles of

respect for civil liberties and limited government may be easy when times are easy. The true test of our faith in those principles comes when we are beset by assaults from without and economic turmoil within, when public anxiety may temporarily make it seem expedient to put those principles aside. In the **new Cato Handbook for Policymakers**, Cato Institute scholars outline practical steps Congress and the administration could take — reforms of health care, financial regulation, taxes, surveillance, marijuana policy, civil asset forfeiture, war powers, immigration, transportation, trade policy, and more — to expand freedom and limit government.

Other Cato Institute Research

Monetarism with Chinese Characteristics

Uncertainty and the Geography of the Great Recession

Compulsory Voting, Turnout, and Government Spending: Evidence from Austria



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Upcoming Event



The Cato Institute invites you to a Policy Forum on Wednesday, February 22, 2017.

Trump's Energy Policy: Promise or Peril?

featuring

Robert L. Bradley, CEO and Founder, Institute for
Energy Research

Adele Morris, Senior Fellow and Policy Director,

EVENT INFORMATION

Date: February 22, 2017

Time: 4:00PM - 5:30PM
(Reception to Follow)

Cost: Free of charge

Brookings Institution

and

Catrina Rorke, Senior Fellow and Energy Policy Director,
R Street Institute

moderated by

Peter Russo, Director of Congressional Affairs, Cato
Institute

RSVP to the event

In the 2016 campaign, Donald Trump said that he would stop Barack Obama's Clean Power Plan, "cancel" the 2015 Paris Accord on greenhouse gases, and end what he called "the war on coal." Now, the President says, is the time for action. What will he do regarding energy? How can he do it? What will be the consequences? Beyond those questions of the moment lies the larger issue: What should he be doing? Please join us for a lively look at energy policy in the new administration on February 22 at 4pm.

If you can't make it to the event, watch it [Live Online](#) and join the conversation on Twitter using [#CatoEvents](#).

Follow [@CatoEvents](#) on Twitter to get future event updates, live streams, and videos from the Cato Institute.

Location: Cato Institute
1000 Massachusetts Ave, NW
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Register online, email events@cato.org, or call (202) 789-5229 by 3:00PM on February 21, 2017.

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Additional Events:

Stingrays: A New Frontier in Police Surveillance
February 15, 2017 • 9:00AM to 11:30AM

Islamic Liberalism: Real or False Hope?
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Trump's Energy Policy: Promise or Peril?
February 22, 2017 • 4:00PM to 5:30PM

Crude Strategy: Rethinking the U.S. Military Commitment to Defend Persian Gulf Oil
February 27, 2017 • 11:00AM to 12:30PM

Setting Transportation Infrastructure Priorities
March 6, 2017 • 12:00PM to 1:30PM

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paul_souza@fws.gov *why did I get this email?*

From: [Cato Institute](#)
To: paul_souza@fws.gov
Subject: Policy Forum: The Future of Public Transit, October 25
Date: Sunday, October 15, 2017 6:13:45 PM

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Upcoming Event



The Cato Institute invites you to a Policy Forum on Wednesday, October 25, 2017.

The Future of Public Transit

featuring

Art Guzzetti, Vice President–Policy, American Public Transportation Association

Randal O'Toole (@antiplanner), Senior Fellow, Cato Institute

EVENT INFORMATION

Date: October 25, 2017

Time: 11:00AM - 12:30PM
(Luncheon to follow)

Cost: Free of charge

moderated by
Tom Firey, Senior Fellow, Cato Institute

RSVP to the event

The nation's public transit industry faces some of its greatest challenges: ridership has been declining; infrastructure is deteriorating; rivals such as Uber and Lyft are taking transit customers. Does transit have a future? Yes, says Art Guzzetti: transit is a vital part of American cities and will continue to be so for many years to come. No, says Randal O'Toole: transit is doomed to extinction, and politicians and transit agencies should find a path toward winding it down instead of trying to expand it.

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Location: Cato Institute
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REGISTER

Register online by 11:00AM EDT on Tuesday, October 24, 2017. If you have any questions pertaining to registration you may email events@cato.org.



Additional Events:

Terror, Propaganda and the Birth of the “New Man”: Experiences from Cuba, North Korea, and the Soviet Union

October 16, 2017 • 11:00AM to 12:30PM

Criminal Justice at a Crossroads

October 18, 2017 • 9:00AM to 5:30PM

The Impact of the Bolshevik Revolution on the Scope and Size of Government in the West

October 19, 2017 • 11:00AM to 12:00PM

Crude Nation: How Oil Riches Ruined Venezuela

October 24, 2017 • 4:00PM to 5:30PM

Renegotiating NAFTA: Prospects and Challenges

October 26, 2017 • 9:00AM to 5:15PM

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Upcoming Event



The Cato Institute invites you to a Policy Forum on Wednesday, October 25, 2017.

The Future of Public Transit

featuring

Art Guzzetti, Vice President–Policy, American Public Transportation Association

Randal O'Toole (@antiplanner), Senior Fellow, Cato Institute

EVENT INFORMATION

Date: October 25, 2017

Time: 11:00AM - 12:30PM
(Luncheon to follow)

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moderated by
Tom Firey, Senior Fellow, Cato Institute

RSVP to the event

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October 24, 2017 • 4:00PM to 5:30PM

Renegotiating NAFTA: Prospects and Challenges
October 26, 2017 • 9:00AM to 5:15PM

Home Stretch for Major Tax Reform?
October 26, 2017 • 12:00PM to 1:00PM

How Do You Solve a Problem Like North Korea?
November 6, 2017 • 9:00AM to 12:00PM

Prosecutorial Fallibility and Accountability
November 7, 2017 • 4:00PM to 6:00PM

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Date: Wednesday, February 28, 2018 12:53:54 PM

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New White Paper Available
**Public Opinion and
Counterterrorism Policy**



Although there are multiple reasons to have expected an erosion of concern about terrorism since 2001, poll data suggest that the fear of terrorism has shown little sign of waning in the United States. A **new paper** published by the Cato Institute and authored by John Mueller and Mark G. Stewart evaluates this rather remarkable phenomenon and considers its policy consequences. Because policymakers can do little, if anything, to reduce the fear of terrorism, they are, in an important sense, free to do their job right: they can expend money responsibly in a manner that best saves lives rather than in one that seeks to reduce unjustified, and perhaps unfathomable, fears.

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If we wish to live in a free society, the rule of law must be paramount – equally applicable to those who govern and those who are governed. This session of Cato University examines the functions of law, its composition, the processes of the American legal system, law's limits on government and its ability to preserve and advance liberty, and American constitutional law.

Cato University: College of Law • March 15-17, 2018 • New Orleans

Speaker Spotlight



Dana Berliner serves as senior vice president and litigation director at the Institute for Justice. The focus of Berliner's litigation at IJ has been property rights, free speech, and economic liberty. She has successfully represented many clients on issues of eminent domain, including serving as co-counsel in the *Kelo v. New London* Supreme Court case.



Clark Neily is vice president for criminal justice at the Cato Institute, focusing on constitutional law, overcriminalization, civil forfeiture, police accountability, and gun rights. Before joining Cato in 2017, Neily was a senior attorney and constitutional litigator at the Institute for Justice and director of the Institute's Center for Judicial Engagement. Neily also served as co-counsel in the landmark Supreme Court case *District of Columbia v. Heller*.



Marcus Cole is the William F. Baxter-Visa International Professor of Law at Stanford University Law School. Cole is a leading scholar of the empirical law and economics of commerce and finance. His research focuses on the ways in which the world's poor use technology to solve their own problems, often in the face of government restrictions. Cole has been a visiting professor at a number of institutions around the world and has served on the boards of civic and charitable organizations.



Roger Pilon is the Cato Institute's vice president for legal affairs, the founding director of Cato's Robert A. Levy Center for Constitutional Studies, the inaugural holder of Cato's B. Kenneth Simon Chair in Constitutional Studies, and the founding publisher of the Cato Supreme Court Review. Prior to joining Cato, Pilon held five senior posts in the Reagan administration, including at State and Justice, and was a national fellow at Stanford's Hoover Institution.



Tom G. Palmer is a senior fellow at the Cato Institute, and director of Cato University. He is also the executive vice president for international programs at the Atlas Economic Research Foundation, and is responsible for operating programs in 14 languages and managing programs for a worldwide network of think tanks. He frequently lectures in North America, Europe, Eurasia, Africa, Latin America, India, China and throughout Asia,

and the Middle East on political science, public choice, civil society, and the moral, legal, and historical foundations of individual rights.

Registration and full program information for Cato University: College of Law is available at Cato.org/Cato-University.

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- Cato University: College of History and Philosophy · August 2-4, 2018 · San Diego, CA
- Cato University: College of Economics · October 25-27, 2018 · Boston, MA

Special package pricing is available. If you are interested in attending more than one Cato University session within the year, please contact events@cato.org.

If you have any questions about the 2018 program, please email **Brandi Dunn**. For registration information, please call 202-789-5229.

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Dear Friends:

With time drawing close, I wanted to be sure you had an opportunity to join us in just a couple weeks at Cato University: College of Law. At Cato University, people of all ages and backgrounds come together to learn, explore ideas, be inspired, and experience the camaraderie of like-minded individuals from around the globe. Cato University is a genuine community; you can freely share viewpoints, concerns, questions, ideas, and more in an atmosphere of friendship and personal respect. And, for many, Cato University offers the rare chance to create a family legacy of liberty—with parents, children, and even grandchildren participating together.

Registration is still available at the link below, and Cato has reserved a limited number of rooms at the Royal Sonesta New Orleans. To make a reservation, please contact Mackenzie Johnson, mjohnson@cato.org.

Please feel free to reply directly to this message if you have any questions about the Cato University program. I hope to see you in New Orleans!

Cordially,

Tom G. Palmer

If we wish to live in a free society, the rule of law must be paramount – equally applicable to those who govern and those who are governed. This session of Cato University examines the functions of law, its composition, the processes of the American legal system, law's limits on government and its ability to preserve and advance liberty, and American constitutional law.

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Marcus Cole is the William F. Baxter-Visa International Professor of Law at Stanford University Law School. Cole is a leading scholar of the empirical law and economics of commerce and finance. His research focuses on the ways in which the world's poor use technology to solve their own problems, often in the face of government restrictions. Cole has been a visiting professor at a number of institutions around the world and has served on the boards of civic and charitable organizations.

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Available online for immediate access
Research Briefs in Economic Policy



Issued several times each month – and available at Cato.org for immediate access and downloading – *Research Briefs in Economic Policy* are written by noted economists on key economic policy matters. Concise, succinct, and sharply focused, the goal of each brief is to inform, clarify, and enhance economic analyses and discussions. Topics covered include immigration, taxes, housing, crime, welfare, education, health care, and more.

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Subject: Risky Business: New Foreign Policy Research from the Cato Institute
Date: Monday, March 19, 2018 2:42:59 PM



New Policy Analysis Available
**Risky Business: The Role of Arms Sales in
U.S. Foreign Policy**



U.S. weapons exports account for 33% of the global military arms trade and go mostly to countries that are the most fragile, least free, and plagued by conflict.

U.S. arms sales policy is out of control. Since 2002, the United States has sold more than \$197 billion worth of major conventional weapons and related military support to 167 countries. **A new paper** from Cato scholars **A. Trevor Thrall** and **Caroline Dorminey** argues that the economic benefits of arms sales are dubious and that their strategic utility is far more uncertain and limited than most realize. “The United States should revise its arms sales policy,” say Thrall and Dorminey, “to improve the risk assessment process, to ban sales to countries where the risk of negative consequences is too high, and to limit sales to cases in which they will directly enhance American security.”

Download and Read "Risky Business"

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Subject: Social Media and Censorship Creep: New from the Cato Institute
Date: Tuesday, December 5, 2017 10:47:10 AM

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New Policy Analysis Available

What to Do about the Emerging Threat of Censorship Creep on the Internet



The increasing incidence of hate crimes and terrorist acts have often been linked to the growing presence of hate groups and terrorist networks online and an unprecedented ability to proselytize via social media. This correlation has inspired a central debate about free speech between two major parties: on the one hand are American-born technology giants such as Apple, Google, and Twitter who are protected by and champions of the First Amendment. On the other are primarily European governments who, battered by numerous terrorist attacks in the recent years, believe that censoring violent and extremist speech is necessary for public safety.

The unprecedented global use of social media and the rise of non-state violence has hastened the inevitable clash between these values and priorities. This, argues Professor Danielle Keats Citron in Cato's newest Policy Analysis, has the potential to bring about "censorship creep," the slippery slope of free speech deprivation that increases resentment among the silenced while reducing public awareness of their existence. Rather than compromise free speech, Professor Citron presents a four-fold policy solution oriented around: 1) definitional clarity, 2) robust accountability, 3) detailed transparency, and 4)

ombudsmen oversight.

This Policy Analysis introduces proactivity as the most critical element to simultaneously preventing censorship creep and calls to violent action on social: Companies must be proactive in rigorously reviewing hate speech rather than relying on vague regulations to censor unnecessarily large swathes of content. This will allow –perhaps even fuel– social media users to be similarly proactive via open discourse and use public appraisal, debate, and condemnation to truly disarm hateful rhetoric and its purveyors.

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Subject: The Failing War on Drugs
Date: Wednesday, January 10, 2018 6:44:36 PM



The Failing War on Drugs

War on Drugs



With Attorney General Jeff Sessions's recent announcement that state laws allowing the recreational use of marijuana will not deter federal prohibitions and enforcement in those states, the Department of Justice is, simply put, using the criminal law to trample on state prerogatives and individual rights. Many who undertake state-legal activities could potentially see their freedoms and livelihoods threatened by this action.

While Americans are not agreeing on much these days, there is increasing bipartisan support for relaxing federal marijuana laws. This action by the DOJ is only the most recent example of our nation's ill-conceived war on drugs. The long, failing federal experiment in the prohibition of marijuana, cocaine, heroin, and other drugs has given us crime and corruption combined with a failure to stop the use of drugs or reduce their availability. And now this war has become increasingly shaky, unpredictable, and harshly turned against the rights of states and communities.

As Cato Institute scholars have been conveying for years: *this must change*. Through research reports, media appearances, court filings, op-eds, comprehensive studies, public events, speaking engagements, book publishing, and much more, Cato experts have been on the frontlines of the fight against the drug war.

We invite you to take advantage of the **wealth of resources** Cato has amassed on the subject. In addition, we have posted a free copy of Ted Galen Carpenter's acclaimed book

The Fire Next Door: Mexico's Drug Violence and the Danger to America.

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Subject: The Imperial Presidency in the Age of Trump
Date: Thursday, December 7, 2017 4:24:26 PM



Gene Healy

Cato Institute Vice President Gene Healy is available to speak nationwide. To read more about his work and areas of expertise click [here](#) and read below.

For additional information and to discuss speaking engagements please contact:

Matthew Lego

mlego@cato.org

202.216.1473



The Imperial Presidency in the Age of Trump

“I alone can fix it,” Donald J. Trump proclaimed during his unlikely rise to the White House: “all of the bad things happening in the U.S. will be rapidly reversed!” It’s proven to be a bit more complicated than that.

More than eight months into the Trump presidency, the office that’s supposed to be “a symbol of our national unity” is the source of bitter division, as the president vents his frustration with Twitter attacks on Saturday Night Live skits, “so-called judges,” and the United States’ nuclear-armed rivals. Abroad, where the president’s authority is alarmingly unchecked, Trump has already launched some 20,000 airstrikes, threatened North Korea with nuclear annihilation, and refused to rule out a “military option” in Venezuela.

And yet, Donald Trump didn’t invent the Imperial Presidency: he inherited it. As Gene Healy warned in his widely acclaimed book, *The Cult of the Presidency: America’s Dangerous Devotion to Executive Power*, the “most powerful office in the world” has become far too powerful to entrust to any one fallible human being. Moreover, “We, the people” bear an enormous share of the blame for the presidency’s transformation into a constitutional monstrosity. As Healy argues, it is the public’s demand for presidential salvation from all problems great and small that drove that transformation: “the Imperial Presidency is the price of making the office the focus of our national hopes and dreams.”

The Cult of the Presidency continues to draw accolades from across the political spectrum: George Will calls it “one of the premier books on American government in the 21st century.” A work of “uncanny prescience,” according to the *Economist*; and “more than just a guide to why you shouldn’t expect too much from the executive,” per Vox’s Ezra Klein: “it’s a history of how we’ve come to view the president as central to not only our politics but our national conception of self.”

We may, however, have arrived at a “teachable moment” on the dangers of unchecked presidential power. The 2016 presidential campaign, featuring the two most widely distrusted major-party candidates in the history of polling, has concentrated the public mind wonderfully: It’s now all too easy for Americans of both parties to imagine someone they loathe and fear wielding that power. In the rolling scandals of the Trump presidency, the crisis of executive authority has come to a head.

Gene Healy is available to speak nationwide on “The Imperial Presidency in the Age of Trump.”

His presentations interweave historical scholarship, legal analysis, and trenchant cultural commentary, leavened with a (sorely needed) dose of humor. He’ll cover how we got here and what comes next: Will President Trump be impeached? Will Congress begin to restore

checks on presidential power and resume its status as a coequal branch? And what can be done make the office of the presidency safe for democracy once again?

Healy's presentations offer unparalleled insight into our present, and impart lessons we must consider if we hope to return the presidency to its constitutionally limited role.

If you are interested in inviting Gene Healy to speak, related speaking and travel fee can be customized to your needs. I hope you'll take an opportunity to contact me at your earliest convenience at mlego@cato.org to discuss details and schedules. Look forward to working with you.

Sincerely,

Matt Lego
mlego@cato.org
Cato Institute
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Date: Wednesday, December 20, 2017 4:01:00 PM

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The Global Tax Revolution



In 2008, the Cato Institute published *Global Tax Revolution*, laying out a comprehensive strategy for tax changes that would fuel American competitiveness, growth, and success in the world's marketplace. This important work is now available for **free downloading** on the Cato Institute's web site.

With the passage of the largest federal tax overhaul in decades, much of what the book energetically set forth has now come to pass. At the time of the book's publication, Paul Ryan, then ranking member of the House Budget Committee, commented that "if you haven't read this book, you should. America is behind the curve when it comes to the way we tax our businesses and companies, and we're losing jobs because of it."

Although the new tax legislation has flaws, at its center are key corporate reforms that were long overdue. *Global Tax Revolution* – detailing how to energize the U.S. economy with tax changes that embrace competition, overhaul the federal tax code, and significantly help businesses and workers succeed in the global economy – underscores the effort and impact of Cato's ongoing work to educate policymakers and the public on tax reform and economic growth.

In addition to offering *Global Tax Revolution* we invite you to explore the wealth of **other resources** that Cato has created on this vital subject, along with Cato's acclaimed web project **DownsizingGovernment.org**.

Read/Download Global Tax Revolution



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Business and the Roberts Court

Book Forum • Thursday, March 2, 2017 • 4:00PM - 5:30PM

*Featuring the author **Jonathan Adler**, Professor of Law and Director, Center for Business Law and Regulation, Case Western Reserve University; with comments by **Andrew Pincus**, Mayer Brown. Moderated by **Walter Olson**, Senior Fellow, Cato Institute.*

Is the Supreme Court “pro-business?” That’s a claim often heard from critics of the Roberts Court, now circulating once more amid a likely battle over the confirmation of a successor to the late Justice Antonin Scalia. But what does the claim mean? Does it charge the Court with ruling wrongly in favor of business litigants, with shaping legal doctrine in unprincipled ways, or with something else? In *Business and the Roberts Court*, Professor

Jonathan Adler assembles essays from scholars who consider how and whether Roberts Court decisions can or cannot be fairly deemed favorable to business. As the Senate considers President Trump's nomination of Neil Gorsuch to the vacant seat on the Court, join us for a book forum on one of the most important elements of Chief Justice John Roberts' rule — and Antonin Scalia's legacy.

DETAILS & REGISTRATION

Setting Transportation Infrastructure Priorities

Policy Forum • Monday, March 6, 2017 • 12:00PM - 1:30PM

Featuring **Baruch Feigenbaum**, Assistant Director, Transportation Policy, Reason Foundation; **Randal O'Toole**, Senior Fellow, Cato Institute; **Marc Scribner**, Senior Fellow, Competitive Enterprise Institute; and **Ron Utt**, Adjunct Staff, Maryland Public Policy Institute. Moderated by **Chris Edwards**, Director, Tax Policy Studies, Editor, www.DownsizingGovernment.org, Cato Institute.

Republicans and Democrats agree that more effort should be made to restore America's infrastructure. But how should we decide what projects are funded? How much should be spent on new infrastructure and how much on reconstruction? How does funding and finance influence priorities? Should the goal be to create short-term jobs, long-term economic growth, or simply new transportation alternatives? Join four leading transportation experts in a discussion of highways, transit, intercity rail, airports and air traffic control, transportation finance, and regulation.

DETAILS & REGISTRATION

Nuclear Weapons and Coercive Diplomacy

Book Forum • Tuesday, March 7, 2017 • 12:00PM - 1:00PM

Featuring the authors **Todd S. Sechser**, Associate Professor of Politics, University of Virginia; **Matthew Fuhrmann**, Associate Director of Political Science, Texas A&M University; with comments by **Matthew Kroenig**, Associate Professor of Government and School of Foreign Service, Georgetown University, and Senior Fellow, The Atlantic Council. Moderated by **John Glaser**, Associate Director of Foreign Policy Studies, Cato Institute.

Can states that possess nuclear weapons better coerce adversaries than states without nuclear weapons? In *Nuclear Weapons and Coercive Diplomacy*, Todd S. Sechser and

Matthew Fuhrmann argue that the empirical record undermines the case that nuclear weapons are a useful coercive tool. They show that states with nuclear weapons don't have more leverage in settling territorial disputes, they don't initiate military challenges more often, and they are just as likely as nonnuclear states to make concessions in high-stakes confrontations. This is not to say nuclear weapons are unimportant. They are extremely useful for deterrence. But it turns out they don't enable states to get their way with ease. These findings have important implications for foreign policy and our understanding of complex issues ranging from Iran and North Korea, to the prospect of conflict in the South China Sea, to America's own approach to the world. Please join us for this timely and provocative discussion.

DETAILS & REGISTRATION

If you can't make it to an event in person, watch it live online at www.cato.org/live and join the conversation on Twitter using #CatoEvents.

Additional Events

- Friday, Mar 10, 2017: Book Forum
Everyone Loses: The Ukraine Crisis and the Ruinous Contest for Post-Soviet Eurasia
- Tuesday, Mar 21, 2017: Book Forum
America Abroad: The United States' Global Role in the 21st Century

Watch Recent Events



**Trump's Energy Policy: Promise or
Peril?**

Policy Forum • February 22, 2017



**Life after BRAC: Has the Time Come
for Another Round?**

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